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ABSTRACT

This collection of excerpts contains New York State educational legislation, Board of Regents regulations, and the Commissioner of Education's rules related to public libraries, library networks, boards of trustees, and library professionals. It includes all pertinent changes in educational law enacted through the October 1979 legislative session and changes of Regents Rules and Commissioner's Regulations through the Regents meeting in November 1979. A selected bibliography is provided. (FM)

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EXCERPTS FROM

NEW YORK STATE EDUCATION LAW,

RULES OF THE BOARD OF REGENTS,

AND

REGULATIONS OF THE COMMISSIONER OF EDUCATION

PERTAINING TO

PUBLIC AND FREE ASSOCIATION LIBRARIES,

LIBRARY SYSTEMS,

TRUSTEES, AND LIBRARIANS

December 1979

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THE UNIVERSITY OF THE STATE OF NEW YORK

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NOTE: Included in this edition of *Excerpts from New York State Education Law, ...* are all pertinent changes in Education Law enacted through the October 1979 legislative session, and changes of Regents Rules and Commissioner's Regulations through the Regents meeting in November 1979.

Throughout the text the symbol "√" indicates changes in a section or subsection which occurred since the last edition of *Excerpts from New York State Education Law... December 1976*. An addition to or deletion from law or regulation, or altered words or phrases is indicated by "√". Those interested in the exact nature of a change may consult the previous edition.

EDUCATION LAW

§215. VISITATION AND REPORTS. The regents, or the commissioner of education, or their representatives, may visit, examine into and inspect, any institution in the university and any school or institution under the educational supervision of the state, and may require, as often as desired, duly verified reports therefrom giving such information and in such form as the regents or the commissioner of education shall prescribe. For refusal or continued neglect on the part of any institution in the university to make any report required, or for violation of any law or any rule of the university, the regents may suspend the charter or any of the rights and privileges of such institution.

§216. CHARTERS. Under such name, with such number of trustees or other managers, and with such powers, privileges and duties, and subject to such limitations and restrictions in all respects as the regents may prescribe in conformity to law, they may, by an instrument under their seal and recorded in their office, incorporate any university, college, academy, library, museum, or other institution or association for the promotion of science, literature, art, history or other department of knowledge, or of education in any way, associations of teachers, students, graduates of educational institutions, and other associations whose approved purposes are, in whole or in part, of educational or cultural value deemed worthy of recognition and encouragement by the university. No institution or association which might be incorporated by the regents under this chapter shall, without their consent, be incorporated under any other general law. An institution or association which might be incorporated by the regents under this chapter may, with the consent of the commissioner of education, be formed under the business corporation law or pursuant to the not-for-profit corporation law if such consent of the commissioner of education is attached to its certificate of incorporation.

§216-a. APPLICABILITY OF NOT-FOR-PROFIT CORPORATION LAW. 1. The term "education corporation" as used in this section means a corporation (a) chartered or incorporated by the regents or otherwise formed under this chapter, or (b) formed by a special act of this state with its principal purpose an education purpose and which is a member of the university of the state of New York, or (c) formed under laws other than the statutes of this state which, if it were to be formed currently under the laws of this state, might be chartered by the regents, and which has been authorized to conduct its activities in this state by the regents or as an authorized foreign education corporation with the consent of the commissioner. A corporation as defined in the business corporation law is not an education corporation under this section.

2. An education corporation formed prior to September first, nineteen hundred seventy-three which has authority to issue stock, is subject to the business corporation law in all matters involving shares of stock. To that extent, the not-for-profit corporation law does not apply to such education corporation.

3. A corporation within clause (c) of subdivision one of this section (a) may be granted authority to conduct activities in this state by the regents pursuant to this section and subject to such provisions, not inconsistent with this section, as the regents may prescribe, or (b) with the consent of the commissioner, may receive authority under article 13 (Foreign Corporations) of the not-for-profit corporation law to conduct activities in this state as an authorized foreign not-for-profit corporation. If required by the commissioner and subject to such provisions, not inconsistent with this section, as he may prescribe, an authorized foreign not-for-profit corporation shall be designated as an "authorized foreign education corporation" in its certificate of authority filed with the department of state. A foreign corporation granted authority by the regents hereunder or an "authorized foreign education corporation" is an "education corporation" under this section.

4. Except as provided in subdivisions 2 and 3 of this section, the not-for-profit corporation law applies to a domestic education corporation and an authorized foreign education corporation, provided that:

a. If a provision of the not-for-profit corporation law conflicts with a provision of this chapter or of a special act by which an education corporation is formed, the provision of this chapter or of such special act shall prevail and the not-for-profit corporation law shall not apply in such case. If an applicable provision of this chapter or of such special act relates to a matter embraced in the not-for-profit corporation law but is not in conflict therewith, both provisions shall apply.

b. An education corporation to which the not-for-profit corporation law is made applicable by this section shall be treated as a "corporation", "domestic corporation", "foreign corporation", or "authorized foreign corporation" as such terms are used in the not-for-profit corporation law as modified by this section, except that the purposes of an education corporation shall not thereby be extended.

c. The following provisions of the not-for-profit corporation law shall not apply to education corporations: section one hundred five, section one hundred thirteen, section one hundred fourteen, paragraph (a) of section two hundred one, paragraphs (b) and (c) of section two hundred two, section two hundred five, section three hundred one, section three hundred two, section three hundred three, article four except paragraphs (b) through (p) of section four hundred four and section four hundred five,

section five hundred nine, section five hundred eighteen, section five hundred twenty-one to the extent that it refers to section five hundred eighteen, paragraph (d) of section seven hundred six, article eight except section eight hundred four, section nine hundred seven, section one thousand eleven, section one thousand twelve and article fourteen.

d. The following adjusting provisions shall apply in the application of the not-for-profit corporation law under this section:

(1) The opening clause of paragraph (a) of section one hundred twelve shall read: "At the request of the regents of the university of the state of New York, the attorney-general may maintain an action or special proceeding:"

(2) The first sentence of section five hundred one shall read: "Except when the charter or certificate of incorporation so permits, a corporation shall not have stock or shares or certificates for stock or for shares, but may issue nontransferable membership certificates or cards to evidence membership, whether or not connected with any financial contribution to the corporation, as provided in section six hundred one (Members). The fact that the corporation is an education corporation, and that the membership certificate or card is non-transferable shall be noted conspicuously on the face or back of each such certificate or card."

(3) The first sentence of paragraph (b) of section five hundred eleven shall read as follows: "Upon presentation of the petition, the Court shall direct that notice of the application be given promptly to the attorney general and the commissioner, and in its discretion may direct that notice of the application be given, personally or by mail, to any person interested therein, as member, officer or creditor of the corporation."

(4) Paragraph (a) of section five hundred fifteen shall read as follows: "Except when the charter or certificate of incorporation authorizes the issuance of stock, a corporation shall not pay dividends or distribute any part of its income or profit to its members, directors or officers."

(5) Section five hundred twenty shall include after the words, "suit of the attorney general" the following words, "at the request of the regents of the university of the state of New York,"

(6) Paragraph (b) of section seven hundred three, and section seven hundred four shall not reduce the term of office of directors as provided in the charter or certificate of incorporation of a corporation, or of the number of classes into which its board is divided, if, as of September first, nineteen hundred seventy-three, such term of office of a director is greater than five years or the board is divided into more than

five classes. Such term of office or number of classes shall not be increased after September first, nineteen hundred seventy-three.

(7) The requirement of the affirmative vote of a majority of the entire board under paragraph (f) of section seven hundred fifteen for fixing the salaries of officers, if not done in or pursuant to the bylaws, shall not apply where the number of the entire board is over twenty. In such case the affirmative vote of a number of directors at least equal to the applicable quorum requirement of such board for the transaction of business shall be sufficient.

(8) Section seven hundred sixteen shall not apply to a loan by an education corporation if its board, in the discharge of its duty to the corporation, finds that such loan (i) is in the best interests of the education corporation and (2) is (a) to an officer or director thereof pursuant to a plan of employee or faculty assistance, or (b) to a business corporation the shares of which are wholly owned by such education corporation, or (c) to a not-for-profit corporation which is controlled by such education corporation, or by a group of education corporations including such education corporation, or (d) to any corporation on the board of which a director or officer of such education corporation is serving as a director at the request of the board of such lending education corporation; provided, however, that any loan by an education corporation to any corporation or other entity in which a director or officer of such education corporation has, directly or indirectly, a substantial financial interest, is prohibited. The provisions of this subparagraph shall not apply to a private foundation under section two hundred sixteen-b of this chapter.

(9) The opening clause of paragraph (b) of section seven hundred twenty shall read as follows: "An action may be brought for the relief provided in this section and in paragraph (a) of section seven hundred nineteen (Liabilities of director in certain cases) by the attorney general at the request of the regents of the university of the state of New York, by the corporation, or, in the right of the corporation, by any of the following:"

(10) Under section nine hundred six, if any constituent corporation or the consolidated corporation is or would be an education corporation, the consent of the commissioner shall be endorsed on or annexed to the certificate of merger or consolidation prior to the filing by the department of state.

(11) In addition to the requirements of section nine hundred nine (Consent to filing), the consent of the regents shall be endorsed on or annexed to a certificate of merger or consolidation if any constituent or consolidated corporation was chartered, or formed by special act with a purpose for which a corporation might be created by the regents.

(12) The opening clause of paragraph (a) of section eleven hundred one shall read: "At the request of the regents of the university of the state of New York, the attorney general may bring an action for the dissolution of a corporation upon one or more of the following grounds:"

(13) The opening clause of paragraph (a) of section eleven hundred two shall read: "With the consent of the regents of the university of the state of New York, a petition for the judicial dissolution of a corporation may be presented:"

(14) The opening clause of paragraph (a) of section twelve hundred two shall read: "Upon notice to the attorney general and the commissioner, a receiver of the property of a corporation can be appointed only by the court, and in one of the following cases:"

e. Any reference in the not-for-profit corporation law to the delivery of any certificate or other instrument to the department of state for filing shall refer to and provide for corresponding action of the regents or the commissioner relating thereto, as the case may be, except that in cases where the commissioner consents to the filing under article thirteen of the not-for-profit corporation law of a certificate of authority in which the authorized foreign corporation is designated as an "authorized foreign education corporation", filing under article thirteen shall mean filing with the department of state.

5. Every corporation to which the not-for-profit corporation law is made applicable by this section, is a type B corporation under all applicable provisions of that law.

6. From and after the effective date of this section the general corporation law shall not apply to an education corporation.

7. For the purpose of this section and elsewhere in this chapter, the effective date of the not-for-profit corporation law as to corporations to which the not-for-profit corporation law is made applicable by this section, shall be September one, nineteen hundred seventy-three.

8. Nothing in this section shall impair the rights and powers, otherwise granted by law, of the courts or the attorney general of this state.

§220. DISTRIBUTION OF ASSETS. 1. Whenever the regents have revoked the charter of any educational corporation or dissolved such corporation pursuant to section two hundred nineteen of this chapter or whenever a provisional charter has expired, if the corporation has assets the board of trustees shall, within three months after such revocation, dissolution or expiration, petition the supreme court in the judicial district where the principal office of the corporation is or was located for an order directing the disposition of any and all property belonging to the corporation. Such petition shall be duly verified and shall set forth a complete statement of all the assets, together with their location and an estimate of their value, and also a statement of the ascertainable debts of the corporation.

2. Such petition shall be accompanied by proof that notice of the time and place of such intended application to said court has been duly published once in each week for at least four weeks successively, next preceding such application, in a newspaper circulated in the county where such corporation is located.

3. A copy of such petition shall be served upon the regents and the attorney general not less than ten days prior to such application.

4. The court shall direct the sale of sufficient designated assets to pay any outstanding debts and the cost of dissolution. The regents and the board of trustees may present to the court their recommendation as to the disposition of the remaining property of the corporation if there be library books, objects of art or of historical significance, as far as possible they shall not be sold but shall be transferred to libraries, museums or educational institutions willing to accept them. If a charter contains a provision indicating a proposed disposition of the assets in case of dissolution, such provision shall be followed by the court in its order as far as practicable. If there be any surplus moneys after payment of debts and the expenses of liquidation, the court may direct that the same be devoted and applied to any such educational, religious, benevolent, charitable or other objects or purposes as the said trustees may indicate by their petition and the said court may approve.

5. Upon the revocation of the charter of an educational corporation or its dissolution, the trustees of such corporation shall be empowered to continue in office for the purpose of settlement of the affairs of the corporation.

§222. SUSPENSION OF OPERATIONS. If any institution in the university shall discontinue its educational operations without cause satisfactory to the regents, it shall surrender its charter to them, subject, however, to restoration whenever arrangements satisfactory to the regents are made for resuming its work.

§226. POWERS OF TRUSTEES OF INSTITUTIONS. The trustees of every corporation created by the regents, unless otherwise provided by law or by its charter, may:

1. Number and quorum. Fix the term of office and number of trustees, which shall not exceed twenty-five, nor be less than five. If any institution has more than five trustees, the body that elects, by a two-thirds vote after notice of the proposed action in the call for a meeting, may reduce the number to not less than five by abolishing the office of any trustee which is vacant and filing in the regents' office a certified copy of the action. A majority of the whole number shall be a quorum.

2. Executive committee. Elect an executive committee of not less than five, who, in intervals between meetings of the trustees, may transact such business of the corporation as the trustees may authorize, except to grant degrees or to make removals from office.

3. Meetings and seniority. Meet on their own adjournment or when required by their by-laws, and as often as they shall be summoned by their chairman, or in his absence by the senior trustee, on written request of three trustees. Seniority shall be according to the order in which the trustees are named in the charter or subsequently elected. Notice of the time and place of every meeting shall be mailed not less than five nor more than ten days before the meeting to the usual address of every trustee.

4. Vacancies and elections; removals by board of regents. Fill any vacancy occurring in the office of any trustee by electing another for the unexpired term; provided, however, that where trustees are elected by the legal voters the person so appointed to fill any such vacancy shall hold office until the next annual election of trustees. The office of any trustee shall become vacant on his death, resignation, refusal to act, removal from office, expiration of his term, or any other cause specified in the charter. If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, he shall be deemed to have resigned, and the vacancy shall be filled. Any vacancy in the office of trustee continuing for more than one year, or any vacancy reducing the number of trustees to less than

two-thirds of the full number may be filled by the regents. The regents may remove any trustee of a corporation created by them for misconduct, incapacity, neglect of duty, or where it appears to the satisfaction of the regents that the corporation has failed or refuses to carry into effect its educational purposes. A hearing in the proceeding for the removal of such trustees shall be had before the board of regents or a committee thereof and the trustees shall be given at least ten days' notice of the time and place of such hearing. In case of removal the regents may appoint successors to the trustees so removed. The provisions of this section as to removal and filling of vacancies in trustees shall not apply to corporations now or hereafter established and maintained by a religious denomination, order or sect. No person shall be ineligible as a trustee by reason of sex.

5. Property holding. Take and hold by gift, grant, devise or bequest in their own right or in trust for any purpose comprised in the objects of the corporation, such additional real and personal property, beyond such as shall be authorized by their charter or by special or general statute, as the regents shall authorize within one year after the delivery of the instrument or probate of the will, giving, granting, devising or bequeathing such property, and such authority given by the regents shall make any such gift, grant, devise or bequest operative and valid in law. Any grant, devise or bequest shall be equally valid whether made in the corporate name or to the trustees of a corporation, and powers given to the trustees shall be powers of the corporation.

✓ 6. Control of property. a. Buy, sell, mortgage, let and otherwise use and dispose of its property as they shall deem for the best interests of the institution; and also to lend or deposit, or to receive as a gift, or on loan or deposit, literary, scientific or other articles, collections, or property pertaining to their work; and such gifts, loans or deposits may be made to or with the university or any of its institutions by any person, or by legal vote of any board of trustees, corporation, association or school district, and any such transfer of property, if approved by the regents, shall during its continuance, transfer responsibility therefor to the institution receiving it, which shall also be entitled to receive any money, books or other property from the state or other sources to which said corporation, association or district would have been entitled but for such transfer.

✓ b. Notwithstanding any other provision of law, prior to the discarding of used or surplus books or other such reading materials by trustees of a chartered public or free association library which receives over ten thousand dollars in state aid, such trustees shall (i) offer to donate such books or materials which have no market value to a not-for-profit corporation or political subdivision located within the area of the library system or (ii) offer to sell such books or materials which do have a market value to the general public. The trustees shall retain any proceeds received from the sale of such books and materials for the purpose of maintaining and improving library service within the system.

7. Officers and employees. Appoint and fix the salaries of such officers and employees as they shall deem necessary who, unless employed under special contract, shall hold their officers during the pleasure of the trustees; but no trustee shall receive compensation as such. The president or chief executive officer of an association library corporation shall be elected by the trustees from their own number and shall be the chairman of the board.

8. Removals and suspensions. Remove or suspend from office by a vote of a majority of the entire board any trustee, officer or employee engaged under special contract, on examination and due proof of the truth of a written complaint by any trustee, of misconduct, incapacity or neglect of duty; provided, that at least one week's previous notice of the proposed action shall have been given to the accused and to each trustee.

9. Degrees and credentials. Grant such degrees and honors as are specifically authorized by their charter, and in testimony thereof give suitable certificates and diplomas under their seal; and every certificate and diploma so granted shall entitle the conferee to all privileges and immunities which by usage or statute are allowed for similar diplomas of corresponding grade granted by any institution of learning.

10. Rules. Make all by-laws and rules necessary and proper for the purposes of the institution and not inconsistent with law or any rule of the university; but no rule by which more than a majority vote shall be required for any specified action by the trustees shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

§253. PUBLIC AND ASSOCIATION LIBRARIES AND MUSEUMS. 1. All provisions of this section and of sections two hundred fifty-four to two hundred seventy-one inclusive shall apply equally to libraries, museums, and to combined libraries and museums, and the word "library" shall be construed to mean reference and circulating libraries and reading rooms.

2. The term "public" library as used in this chapter shall be construed to mean a library, other than professional, technical or public school library, established for free public purposes by official action of a municipality or district or the legislature, where the whole interests belong to the public; the term "association" library shall be construed to mean a library established and controlled, in whole or in part, by a group of private individuals operating as an association, close corporation or as trustees under the provisions of a will or deed of trust; and the term "free" as applied to a library shall be construed to mean a library maintained for the benefit and free use on equal terms of all the people of the community in which the library is located.

3. The term "Indian library" shall be construed to mean a public library established by the tribal government of the Saint Regis Mohawk tribe, the Seneca Nations of Indians or the Tonawanda Seneca tribe and located on their respective reservations, to serve Indians residing on such reservations and any other persons designated by its board of trustees.

§254. STANDARDS OF LIBRARY SERVICE. The regents shall have power to fix standards of library service for every free association or public library or, with the advice of the appropriate tribal government and library board of trustees, Indian library which receives any portion of the moneys appropriated by the state to aid such libraries, or which is supported in whole or in part by tax levied by any municipality or district. If any such free association, public or Indian library shall fail to comply with the regents requirements, such library shall not receive any portion of the moneys appropriated by the state for free or Indian libraries nor shall any tax be levied by any municipality or district for the support in whole or in part of such library.

§255. ESTABLISHMENT OF A PUBLIC LIBRARY. 1. By a majority vote at any election, or at a meeting of the electors duly held, any county, city, village, town, school district or other body authorized to levy and collect taxes; or by vote of its board of supervisors or other governing elective body any county, or by vote of its common council or by action of a board of estimate and apportionment or other proper authority any city, or by vote of its board of trustees any village, or by vote of its town board any town, or any combination of such voting bodies, may individually or jointly authorize the establishment of a public library with or without branches, and may appropriate money raised by tax or otherwise to equip and maintain such library or libraries or to provide a building or rooms for its or their use. Any such municipality or district may acquire real or personal property for library purposes by gift, grant, devise, bequest or condemnation and may take, buy, sell, hold and transfer either real or personal property for public library purposes. Whenever twenty-five taxpayers shall so petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice of the proposed action shall have been given. Whenever the electors of a school district at a district meeting duly held shall have authorized the establishment of a public library under the provisions of this section, at such meeting or at any subsequent meeting duly held, they may determine by a majority of the voters present and voting on the proposition to levy a tax to be collected in installments for the purchase or condemnation of a site and the erection thereon of a library building or the erection of a library building on land acquired otherwise than by purchase or condemnation, or for the purchase of land and a suitable building thereon and make necessary alterations and additions and equip such building for use as a library.

2. Upon the request of a majority of the members of the boards of trustees of two or more libraries chartered by the regents, if it shall appear to the satisfaction of the commissioner that the establishment of a cooperative library system will result in improved and expanded library service to the area and that the area is suitable for the establishment of such a cooperative library system, the commissioner may call a joint meeting of the trustees of such libraries for the purpose of determining whether a cooperative library system shall be established and electing a board of trustees of such cooperative library system. If it shall appear to the commissioner that the area proposed for the cooperative library system is not sufficient to warrant the establishment of such system; that such area is not otherwise suitable or that for sufficient other reason such cooperative library system as proposed should not be established he shall disapprove such request.

a. Notice of such meeting shall be given by the commissioner to each trustee by mail to his last known address at least five days prior to such meeting. At such meeting the board of trustees of each library participating shall have five votes.

b. Such meeting shall be called to order by the person designated by the commissioner and shall thereupon organize by the election of a chairman. At such meeting a resolution in substantially the following form shall be presented for the action of the meeting: "Resolved that a cooperative library system be established consisting of the following libraries chartered by the regents..... (name libraries) for the purpose of expanding and improving library service in the area served by the above named libraries."

c. If the resolution described above is adopted, then the meeting shall proceed to elect a board of trustees of such library system to consist of not less than five nor more than twenty-five members as determined by the meeting.

d. Within one month after taking office, the trustees-elect shall apply to the regents for a charter as a cooperative library system.

e. The board of trustees shall manage and control such cooperative library system and shall have all the powers of trustees of other educational institutions in the university as defined in this chapter. Such board shall elect a president, secretary and treasurer. Before entering upon his duties, such treasurer shall execute and file with the trustees an official undertaking in such sum and with such sureties as the board shall direct and approve. The treasurer need not be a member of such board. The funds of the cooperative library system shall be deposited in a bank or banks designated by the board of trustees and shall be expended only under the direction of such trustees upon properly authenticated vouchers.

f. The term of office of trustees shall be five years except that the members of the first board of trustees shall determine by lot the year in which the term of office of each trustee shall expire so that as nearly as possible the terms of one-fifth of the members of such board will expire annually. Thereafter, the successors of such trustees shall be elected annually by a meeting of the trustees of the participating libraries in the cooperative library system. No trustees shall hold office consecutively for more than two full terms. Such meeting shall be called by the secretary of the cooperative library system who shall give notice to all the trustees of participating libraries in the manner provided in subparagraph a of this subdivision for giving notice of the meeting to authorize the establishment of such cooperative library system.

g. A contract may be entered into between the board of trustees of a cooperative library system and the department under which the state library will provide services, facilities and staff to the cooperative library system upon terms agreed upon by and between the parties to such contract.

h. Nothing herein contained shall be deemed to deprive any participating library of its property.

i. The board of trustees of any library chartered by the regents which is not participating in a cooperative library system may adopt a resolution requesting that such library become a participating library in a cooperative library system. Duplicate copies of such resolution certified by the clerk of such board of trustees shall be filed with the board of trustees of the cooperative library system. If such board approve such resolution such approval shall be endorsed thereon and a copy thereof shall be filed with the commissioner. Upon such resolution being approved by the commissioner such additional library shall become a participating library in such system and shall have the same rights, duties and privileges as other libraries participating therein.

j. The participating libraries in such library systems shall be those libraries, members of the boards of trustees of which join in petitioning the commissioner to call the meeting for the establishment of the cooperative library system pursuant to this section, and who are named in the resolution voted upon by such meeting and in the charter of the library system.

✓ k. The board of trustees of each public library system shall meet no fewer than six times a year.

✓ 3. Trustees of a reference and research library resources system shall have those powers set forth in section two hundred twenty-six of this article with respect to trustees of corporations chartered by the regents, and in addition shall have the following powers and duties:

a. The board of trustees of a reference and research library resources system shall include at least one representative of each constituent public library system, at least one representative of the member academic library with the largest collection, and at least two nonlibrarians from the research community served by the system.

b. The term of office of trustees shall be five years except that the members of the first board of trustees shall determine by lot the year in which the term of office of each trustee shall expire so that as nearly as possible the terms of one-fifth of the members of such board will expire annually. Thereafter, the successors of such trustees shall be elected annually by a meeting of the designated representatives of the member institutions participating in the reference and research library resources system. No trustee shall hold office consecutively for more than two full terms. Such annual meeting shall be called by the secretary of the reference and research library resources system who shall give notice to all the trustees of participating libraries by mail to their last known address at least five days prior to such meeting.

c. The board of trustees shall meet no fewer than six times a year.

4. By a majority vote of the tribal government of an Indian reservation, or upon the request of the tribal government of an Indian reservation, an Indian library may be established, with or without branches, and may make application to the state or other source for money to equip and maintain such library or libraries or to provide a building or rooms for its uses. Notwithstanding the provisions of section seven of the Indian law, the board of trustees of such library, on behalf of the tribal government, may acquire real or personal property for use by an Indian library by gift, grant, devise, bequest and may take, buy, sell, hold and transfer either real or personal property for the purposes of such library. No more than one Indian library may be established on a reservation and such library shall serve all inhabitants of that reservation. No such library shall be established on any reservation that has fewer than three hundred permanent residents and one thousand acres of land.

5. The boards of trustees of any two, or more, public libraries, Indian libraries, reference and research library resources systems, cooperative library systems, or association libraries, as defined in this article, may pool surplus funds to be used for the purchase of certificates of deposit in any bank or trust company, provided that such certificate of deposit be secured by a pledge of obligations of the United States of America, or any obligation fully guaranteed or insured as to interest and principal by the United States of America acting through an agency, subdivision, department or division thereof, or obligations of the state of New York. Each participating public library, Indian library, reference and research library resources system, cooperative library system or association library shall be entitled to its pro-rata share of interest earned on such certificates in proportion to its contribution to the purchase price of such certificates.

✓ §256. CONTRACTS. 1. Any authority named in section two hundred fifty-five may, individually or jointly with another municipal or district body or tribal government, grant money for the support of the cost of maintaining or the cost of any capital improvements to or expenditure for one or more: free association libraries, provided such libraries are registered by the regents; public libraries, provided such libraries are registered by the regents; and cooperative library systems approved by the commissioner; or may, individually or jointly with another municipal or district body or tribal government, contract with the trustees of a free association library registered by the regents, or with any municipal or district body having control of such a library, or with the trustees of the cooperative library system, to furnish library services to the people of the municipality, district or reservation for whose benefit the contract is made, under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such services under such contract shall be a charge upon the municipal or district bodies or tribal government which agree to make the payment and shall be paid directly to the treasurer of the free association library, or of the cooperative library system.

2. When the municipality agreeing to make the payment or grant is a town in which there are one or more incorporated villages, which village or villages jointly with such town contract with the trustees of a cooperative library system, a free association library or with another municipal district or body having control of a public library whether or not such district or body is an incorporated village in such town, the amount appropriated by the town board in such town shall be a charge upon the taxable property of that part of the town outside of any such incorporated village.

§259. LIBRARY TAXES. 1. Taxes, in addition to those otherwise authorized, may be voted for library purposes by any authority named in section two hundred fifty-five of this chapter and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor until changed by further vote and shall be levied and collected yearly, or as directed, as are other general taxes. In the case of a school district the appropriation for library purposes shall be submitted to the voters of the district in a separate resolution and shall not be submitted as a part of the appropriation of the necessary funds to meet the estimated expenditures of the school district. All moneys received from taxes or other public sources for library purposes shall be kept as a separate library fund by the treasurer of the municipality or district making the appropriation and shall be expended only under direction of the library trustees on properly authenticated vouchers, except that money received from taxes and other public sources for the support of a public library or a free association library or a cooperative library system shall be paid over to the treasurer of such library or cooperative library system upon the written demand of its trustees.

2. In the case of a joint public library authorized to be established by two or more municipalities or districts pursuant to section two hundred fifty-five of this chapter, the governing bodies of the participating municipalities and districts shall enter into an agreement designating the treasurer of one of the participating municipalities or districts to be the treasurer of the joint public library. The agreement shall be for a period of not less than one year nor more than five years and the state comptroller and the commissioner of education shall be notified in writing by the board of library trustees of such agreement and designation.

The municipality or district whose treasurer is designated to serve as treasurer of a joint public library may be compensated for the services rendered by such official to the library. The amount to be paid for such services shall be determined by agreement between the governing body of the municipality or district and the board of library trustees, and shall be paid at least annually from the public library fund.

3. The treasurer of a joint public library shall maintain the separate library fund required by subdivision one of this section and shall credit to such fund all moneys received. The state aid apportioned to a joint public library, amounts appropriated by participants toward its support and all amounts received from other sources shall be paid to the library treasurer. Appropriations for the library made by the participating municipalities or districts shall be paid in full to the library treasurer within sixty days after the beginning of the library fiscal year.

Disbursements for purposes of a joint public library shall be made by the treasurer in the manner prescribed in subdivision one of this section.

Within thirty days after the close of the fiscal year the treasurer shall make an annual report of the receipt and disbursement of library moneys to the board of library trustees and to the governing body of each of the participating municipalities or districts.

4. Notwithstanding the provisions of subdivisions one and three of this section, the library trustees may by resolution establish a petty cash fund, in such amount as they shall determine, for any employee who has supervision of any library or branch thereof. Expenditures from such fund may be made by such employee in advance of audit by the library trustees, but only after the submission of properly itemized and authenticated vouchers for materials, supplies or services furnished to the library or branch thereof and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. At each meeting of the

library trustees a list of all expenditures made from such fund since the last meeting of the trustees, together with the vouchers supporting such expenditures, shall be presented by such employee to the library trustees. The trustees shall direct the treasurer to reimburse such petty cash fund in an amount equal to the total of such bills which the trustees shall so allow. Any of such bills or any portion of such bills which the library trustees shall refuse to allow shall be the personal liability of such employee and he shall promptly reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such employee after the action of the library trustees in disallowing an amount so expended, such amount shall be withheld from such salary payment to such emp'oyee and, if necessary, subsequent salary payments and paid into such petty cash fund until an amount so disallowed by the library trustees has been repaid in full to the petty cash fund.

✓ §260. TRUSTEES. 1. Public libraries authorized to be established by action of the voters or their representatives shall be managed by trustees who shall have all the powers of trustees of other educational institutions of the university as defined in this chapter; provided that the number of trustees of county public libraries and Indian libraries shall not be less than five nor more than eleven and that the number of trustees of other public libraries shall not be less than five nor more than eleven. The number of trustees of joint public libraries authorized to be established by two or more municipalities or districts or any combination thereof shall be not less than five nor more than twenty-five, as determined by agreement of the voting bodies empowered to authorize the establishment of such libraries pursuant to subdivision one of section two hundred fifty-five of this chapter and shall be set forth in the resolution authorizing the establishment of such joint public library. Such resolution shall also set forth the number of such trustees which each of the participating municipalities or districts shall be entitled to elect or appoint, and the terms of office of the first trustees as determined in accordance with subdivision three of this section.

✓ 2. The trustees of public libraries authorized to be established by cities shall be appointed by the mayor and confirmed by the common council, in counties they shall be appointed by the county board of supervisors or other governing elective body, in villages they shall be appointed by the village board of trustees, in towns they shall be appointed by the town board, in school districts they shall be elected by the legal voters in the same manner as trustees are elected in the school district which established

said library, and on Indian reservations they shall be elected at a general tribal election or otherwise designated by the chiefs or head men of an Indian tribe; that the first trustees shall determine by lot the year in which the term of office of each trustee shall expire and that a new trustee shall be elected or appointed annually to serve for five years. Notwithstanding the foregoing provisions of this subdivision, in any case where a town is a contributor to the support of any such public library in a village located within the town the appointment of trustees of such library who reside outside the village but within such town shall be subject to the approval of the town board of such town. The charter of any public library granted prior to April thirtieth, nineteen hundred and twenty-one, which provides for trustees, their terms of office and method of election or appointment in a manner differing from that hereinbefore provided, shall remain in full force and effect until the regents, upon application of the library trustees, shall amend the charter to conform to the provisions of law in effect when such amendment is made.

3. The trustees of a joint public library authorized to be established by two or more municipalities or districts or any combination thereof shall be appointed or elected by the body authorized by subdivision two of this section to elect or appoint trustees of public libraries authorized to be established by such municipality or district. The number of such trustees to be elected or appointed by each of the participating municipalities or districts shall be determined as provided in subdivision one of this seciton. The term of office of such trustees shall be five years except that the terms of the first trustees shall be so arranged that the terms of as nearly as possible to one-fifth of the members shall expire annually.

4. No person who is a member of any municipal council or board authorized by this section to appoint public library trustees in any municipality shall be eligible for the office of such public library trustee in such municipality.

5. The boards of trustees of public, free association and Indian libraries shall hold regular meetings at least quarterly, and such boards shall fix the day and hour for holding such meetings.

6. The board of trustees of a library system or a public or free association library chartered by the regents of the state of New York may determine to contribute annually a sum of money to assist the Library Trustees Foundation of New York State in fostering, encouraging and promoting the further development of library activities throughout the state and financing programs in this state which will assist in the dissemination of information leading to the improvement and extension of library services.

7. The board of trustees of a public library established and supported by a school district shall, in addition to powers conferred by this or any other chapter, be authorized in its discretion to call, give notice of and conduct a special district meeting for the purpose of electing library trustees and of submitting initially a resolution in accordance with the provisions of subdivision one of section two hundred fifty-nine of this chapter. Such meeting shall be held prior to the first day of July but subsequent to the first day of April. Should the board of trustees of the library determine, in its discretion, not to notice and conduct such a meeting, then the election and budget vote will be noticed and conducted by the board of education of the school district as part of its annual meeting.

8. Candidates for the office of trustee of a public library established and supported by a school district shall be nominated by petition which shall meet the requirements of subdivision a of section two thousand eighteen of this chapter, except that such candidates shall be elected in the manner specified in subdivision b of such section except where a charter granted prior to April thirtieth, nineteen hundred seventy-one provides for a different procedure.

9. The board of trustees of a public library established and supported by a school district, in addition to any other powers conferred by this chapter, may, in its discretion, call, give notice of and conduct a special district meeting of the qualified voters of the school district for any proper library purpose, including the re-submission of a defeated library appropriation, at a time and place designated by said board of trustees, except as to those purposes set forth in subdivision seven of this section.

10. The board of trustees of a public library established and supported by a school district, in addition to any other powers conferred in this chapter, shall have the power to determine the necessity for construction of library facilities, to select a library site or sites, to select the architect, and to require that the board of education call, give notice of and conduct a special district meeting in accordance with the provisions of subdivision nine of this section for the purpose of designating and acquiring a site or sites and authorizing the issuance of obligations of the school district for acquisition and construction of library facilities, or either.

11. Whenever the board of trustees of a public library shall call, give notice of and conduct a special district meeting under subdivision seven or nine of this section, such meeting shall be established, noticed and conducted in the same manner and to the same extent as such meetings were theretofore established, noticed

and conducted by the board of education of the school district, the board of trustees of the libraries making all the determinations and taking all action in respect thereto otherwise required of the board of education of the school district, except that the meeting need not, in the discretion of the board of trustees of the library, be held in separate election districts in those school districts where election districts have been established by the board of education. The board of registration shall meet as provided in section two thousand fourteen of this chapter and notice of the meeting shall be given in accordance with the provisions of sections two thousand four and two thousand seven of this chapter. The cost of all such meetings and registrations shall be a charge to the library.

✓ Notwithstanding any other provision of law, prior to the discarding of used or surplus books or other such reading materials by trustees of a chartered public, cooperative or free association library which receives over ten thousand dollars in state aid, such trustees shall (i) offer to donate such books or materials which have no market value to a not-for-profit corporation or political subdivision located within the area of the library system or (ii) offer to sell such books or materials which do have a market value to the general public. The trustees shall retain any proceeds received from the sale of such books and materials for the purpose of maintaining and improving library service within the system.

✓ §260-a. MEETINGS OF BOARD OF TRUSTEES. Every meeting, including a special district meeting, of a board of trustees of a library system, cooperative library system, public library or free association library which receives more than ten thousand dollars in state aid shall be open to the general public. Such meetings shall be held in conformity with and in pursuance to the provisions of article seven of the public offiers law. Provided, however, and notwithstanding the provisions of subdivision one of section ninety-nine of the public officers law, public notice of the time and place of a meeting scheduled at least two weeks prior thereto shall be given to the public and news media at least one week before such meeting.

✓ §261. INCORPORATION. Within one month after taking office, the first board of trustees of any such public library or Indian library shall apply to the regents for a charter in accordance with the vote establishing the library.

§262. USE OF PUBLIC AND INDIAN LIBRARIES. Every library established under section two hundred fifty-five of this chapter shall be forever free to the inhabitants of the municipality or district or Indian reservation, which establishes it, subject always to rules of the library trustees who shall have authority to exclude any person who wilfully violates such rules; and the trustees may, under such conditions as they think expedient, extend the privileges of the library to persons living outside such municipality or district or Indian reservation.

§263. REPORTS. Every library or museum, other than a school library, which enjoys any exemption from taxation or receives state aid or other privilege not usually accorded to business corporations shall make the report required by section two hundred fifteen of this chapter, and such report shall relieve the institution from making any report now required by statute or charter to be made to the legislature or to any department, court or other authority of the state. These reports shall be summarized and transmitted to the legislature by the regents with the annual reports of the university.

§264. INJURIES TO PROPERTY. Whoever intentionally injures, defaces or destroys any property belonging to or deposited in any incorporated library, reading-room, museum or other educational institution, shall be punished by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

§265. DETENTION. Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading-room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution, such article or other property may be kept, shall be punished by a fine of not less than one nor more than twenty-five dollars, or by imprisonment in jail not exceeding six months, and the said notice shall bear on its face a copy of this section.

§266. TRANSFER OF LIBRARIES. By vote similar to that required by section two hundred fifty-five of this chapter any municipality or district or tribal government or combination of districts, or by action of its trustees at a meeting duly held any association library, incorporated or registered by the regents, may, when such vote or action has been duly approved by the regents transfer, conditionally as provided in section two hundred fifty-seven of this chapter, or otherwise, the ownership and control of its library with all its property, real and personal, or any part thereof, to any municipality, or district, or institution providing for free library service; and the trustees or body making the transfer shall thereafter be relieved of all responsibility pertaining to property thus transferred.

§267. LOCAL NEGLECT. If the local authorities of any library supported wholly or in part by state money fail to provide for the support of such library and the public usefulness of its books, the regents shall in writing notify the trustees of said library what is necessary to meet the state's requirements, and on such notice all said library's rights to further grants of money or books from the state shall be suspended until the regents certify that the requirements have been met; and if said trustees shall refuse or neglect to comply with such requirements within sixty days after service of such notice, the regents may remove them from office and thereafter all books and other library property wholly or in part paid for from state moneys shall be under the full and direct control of the regents who, as shall seem best for public interests, may appoint new trustees to carry on the library, or may store it, or distribute its books to other libraries.

§268. ABOLITION. Any library established by public vote of any municipality or district, or by vote of the common council of any city, or by vote of the board of trustees of any village, or by action of school authorities, or by vote of the tribal government of an Indian reservation, or under section two hundred fifty-five of this chapter, may be abolished by majority vote at an election, or at a meeting of the electors duly held, provided that due public notice of the proposed action shall have been given, or by vote of such tribal government. If any such library is abolished, its property shall be used first to return to the regents, for the benefit of other free association or public or school libraries in that locality, the equivalent of such sums as it may have received from the state or from other sources as gifts for public use. After such return any remaining property may be used as directed in the vote abolishing the library, but if the entire library property does not exceed in value the amount of such gifts, it may be transferred to the regents for public use, and the trustees shall thereupon be free from further responsibility. No abolition of a public library shall be lawful until the regents grant a certificate that its assets have been properly distributed and its abolition completed in accordance with law.

§270. ACCEPTANCE OF SURPLUS LIBRARY BOOKS OR PROPERTY. The state education department is hereby authorized to cooperate with the United States commissioner of education, the war assets administration, and/or other federal officers and officials in the administration of any statute heretofore or hereafter enacted for the disposal of surplus library books or property, and to accept for and on behalf of the state of New York or its political subdivisions surplus library books or other property suitable and necessary to the operation of public and free libraries and Indian libraries and for the improvement and extension of library service for New York state, and any funds, which may be made available to the state of New York by the federal government for these and related public and Indian library services.

§271. APPORTIONMENT OF STATE AID TO INDIAN LIBRARIES. Any Indian library chartered by the regents or in the absence of such library any tribal government contracting for service from a chartered and registered library or approved library system, shall be entitled to receive annually state aid consisting of the following amounts:

1. Seven thousand five hundred dollars, and

2. The sum of eight dollars per capita for persons residing on the reservation served by the Indian library or contract as shown by the latest federal census or certified by the New York state director of Indian services, and

3. The sum of fifty cents per acre of area served by the Indian library or contract.

Such sums shall be paid to the Indian library board of trustees for the use of the Indian library, or in the absence of such a board, to the tribal government for a contract for library service. Nothing contained in this section shall be construed to diminish the funds, services or supplies provided to any Indian library by a library system as defined in section two hundred seventy-two of this article.

§272. CONDITIONS UNDER WHICH LIBRARY SYSTEMS ARE ENTITLED TO STATE AID.

1. Public Library Systems.

a. The term "public library system" as used in this article means:

(1) A library established by one or more counties.

(2) A group of libraries serving an area including one or more counties in whole or in part.

(3) A library of a city containing one or more counties.

(4) A cooperative library system established pursuant to section two hundred fifty-five of this chapter, the plan of library service of any of which shall have been approved by the commissioner.

b. The "area served" by a public library system for the purposes of this article shall mean the area which the public library system proposes to serve in its approved plan of service. In determining the population of the area served by the public library system the population shall be deemed to be that shown by the latest federal census for the political subdivisions in the area served. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law except that such population shall include the reservation and school Indian population and inmates of state institutions under the direction, supervision or control of the state department of correction, the state department of mental hygiene and the state department of social welfare. In the event that any of the political subdivisions receiving library service are included within a larger political subdivision which is a part of the public library system the population used for the purposes of computing state aid shall be the population of the larger political subdivision, provided however, that where any political subdivision within a larger political subdivision shall have taken an interim census since the last census taken of the larger political subdivision, the population of the larger political subdivision may be adjusted to reflect such interim census and, as so adjusted, may be used until the next census of such larger political subdivision. In the event that the area served is not coterminous with a political subdivision, the population of which is shown on such census, or the area in square miles of which is available from official sources, such population and area shall be determined, for the purpose of computation of state aid pursuant to section two hundred seventy-three by applying to the population and area in square miles of such political subdivision, the ratio which exists between the assessed valuation of the portion of such political subdivision included within the area served and the total assessed valuation of such political subdivision.

c. Members of a public library system shall be those public, free association, and Indian libraries located within the service area which have been admitted to membership prior to July first, nineteen hundred seventy-eight, or which apply for and are granted membership subsequent to that date with the approval of the commissioner. No

public library system shall be subject to any loss of benefits under these provisions where such system has made reasonable effort to prevent the unapproved withdrawal of such library from the system and the system demonstrates, in a manner satisfactory to the commissioner, that the residents of the area encompassed by the withdrawing library will continue to benefit from the library services provided by the public library system.

d. "Approved plan" as used in this article means a plan of library service by a public library system approved by the commissioner subsequent to May first, nineteen hundred fifty-eight.

e. Approval shall not be given to a public library system unless it will serve at least two hundred thousand people or four thousand square miles of area, provided, however, that provisional approval may be given to a public library system which will serve at least fifty thousand persons provided the area served includes three or more political subdivisions and provided further that a satisfactory plan of expansion of service to be followed during the ensuing five-year period is adopted by such library system and approved by the commissioner.

f. The board of trustees of the public library system shall submit to the commissioner the plan of library service. Such plan shall be supported by such information as the commissioner may require in the form prescribed by him.

g. No such plan of library service shall be approved by the commissioner unless he finds that it provides for the residents of the area served thereby a method conforming to the regulations of the commissioner by which the participating libraries are obligated to permit the loan of books and material among members of the system for use on the same basis permitted by the library which owns or controls them.

h. The commissioner shall by regulation provide the standard of service with which such a public library system must comply. Such regulations shall, among other things, relate to the total book stock; the diversity of such book stock with respect to general subjects and type of literature, provided that such regulations shall not, directly or indirectly, prohibit the inclusion of a particular book, periodical or material or the works of a particular author or the expression of a particular point of view; annual additions to book stock; circulation of book stock; maintenance of catalogues; number and location of libraries or branch libraries; hours of operation and number and qualifications of personnel, necessary to enable a public library system to render adequate service. Such regulations may establish standards which differ on the basis of population; density of population; the actual valuation of the taxable property within the area served; the condition of library

facilities in existence on April first, nineteen hundred fifty-seven; the amount raised by taxation by or for the area served; the relation of such amount to population and actual value of the property taxed; the relation of the amount of funds received by a public library system from local taxes to that derived from private contributions; or on such other basis as the commissioner finds necessary to provide for the equitable distribution of state aid.

✓ i. Each public library system receiving state aid pursuant to this section and section two hundred seventy-three shall furnish such information regarding its library service as the commissioner may from time to time require to discharge his duties under such sections. The commissioner may at any time revoke his approval of a plan of library service if he finds that the public library system operating under such plan no longer conforms to the provisions of this section or the regulations promulgated by the commissioner hereunder; or, in the case of provisional approval, if such library system no longer conforms to the agreement, plans or conditions upon which such provisional approval was based. In such case a public library system shall not thereafter be entitled to state aid pursuant to this section or section two hundred seventy-three unless and until its plan of library service is again approved by the commissioner.

✓ j. (1) In the event that the total sum raised by local taxation exclusive of capital expenditures for the support of a public library system and participating libraries in an annual period beginning January first, nineteen hundred seventy-nine, is less than ninety-five per centum of the average of the amounts raised for such purposes by local taxation for the two preceding calendar years, the state aid to which such library system would otherwise be entitled beginning April first, nineteen hundred eighty, shall be reduced by twenty-five per centum. However, state aid paid between April first, nineteen hundred seventy-eight and March thirty-first, nineteen hundred eighty, shall be reduced by twenty-five per centum only in the event such local support shall be less than the average of calendar years nineteen hundred sixty-four and nineteen hundred sixty-five. Such state aid shall likewise be reduced by twenty-five per centum in the event that the public library system shall refuse after reasonable notice to make provision for the expansion of the area served in accordance with the regulations of the commissioner.

✓ (2) In the event that the total sum raised by local taxation, exclusive of capital expenditures, for the support of a central library of a public library system in an annual period beginning January first, nineteen hundred seventy-nine, is less than ninety-five per centum of the average of the amounts raised for such purposes by local taxation for the two preceding calendar years, the state aid to which such library system would otherwise be entitled for the development of its central library, beginning April first, nineteen hundred eighty, shall be reduced by twenty-five per centum. However, state aid paid between April first, nineteen hundred seventy-eight and March thirty-first, nineteen hundred eighty for such purpose, shall be reduced by twenty-five per centum only in the event such local support shall be less than the average of calendar years nineteen hundred sixty-four and nineteen hundred sixty-five.

k. In promulgating regulations and approving, rejecting or revoking plans of library service pursuant to this section, consideration shall be given to:

(1) The prevention of unreasonable discrimination among the persons served by such public library system.

(2) The need for rapid expansion of library facilities in areas not now served.

(3) The need of each public library system for the professional services of an adequate number of librarians having, in addition to general familiarity with literature, special training with respect to book selection and organization for library use.

(4) The need for a book stock sufficient in size and varied in kind and subject matter.

(5) The need for regular fresh additions to book stock.

(6) The need for adequate books, materials and facilities for research and information as well as for recreational reading.

(7) The need for libraries, branches, and other outlets convenient in location, and with adequate hours of service.

(8) The desirability for the integration of existing libraries and new libraries into systems serving a sufficiently large population to support adequare library service at a reasonable cost.

(9) The need for the economic and efficient utilization of public funds.

(10) The need for full utilization of local pride, responsibility, initiative and support of library service and the use of state aid in their stimulation but not as their substitute.

(11) The needs of special populations.

2. Reference and research library resources systems.

a. The term "reference and research library resources system" as used in this article means a duly chartered educational institution resulting from the association of a group of institutions of higher education, libraries, non-profit educational institutions, and other institutions organized to improve reference and research library resources service. Such reference and research library resource systems may be registered upon meeting the standards set forth by the commissioner.

b. The "area served" by a reference and research library resources system for the purposes of this article shall include not less than seven hundred fifty thousand persons, as based upon the latest approved federal census, or not less than ten thousand square miles; and the defined area of service shall:

(1) include more than one county; and

(2) Respect the integrity of the area of service of a public library system; and

(3) Constitute a service area effectively related to the availability of information resources and services and to the area of service of other reference and research library resources systems, as determined by the commissioner.

c. Membership in a reference and research library resources system.

(1) The membership shall include at least four chartered degree-granting institutions of higher education of the four year level whose libraries meet departmental standards.

(2) Membership shall also include either:

(i) at least one chartered degree-granting institution of higher education offering graduate programs for a masters degree whose library holds not less than two hundred seventy-five thousand volumes and currently receives not less than three thousand periodical titles, or

(ii) a public library which holds not less than four hundred thousand adult volumes and currently receives not less than one thousand five hundred periodical titles.

(3) The membership may also include approved public library systems which are within the region served by the reference and research library resources system.

(4) A reference and research library resources system may set its own minimum standards for membership consistent with regulations of the commissioner, except that;

(i) any chartered institution of higher education whose library meets the departmental standards shall be eligible for membership, and

(ii) any chartered institution of higher education whose library does not meet the departmental standards may not be eligible for membership unless it submits to the department a five-year plan for the realization of the standards, the plan bearing the signed approval of the head librarian, the president, and the academic dean of the institution.

(5) The member institutions of each reference and research library resources system shall be broadly representative of the chartered educational agencies, nonprofit organizations and other special libraries providing library service within the defined area of services of the system.

d. Plan of service.

(1) The reference and research library resources system shall submit a plan of service to the commissioner for approval, in a form to be prescribed by the commissioner to cover resources, needs, proposed program, budget, contractual agreements, and any other information which the commissioner may require.

(2) The plan of service must show the manner in which the reference and research library resources system will improve the library resources and services presently available in the area to the research community, including improved reader access.

(3) The plan of service shall indicate the manner in which the reference and research library resources system strengthens the library programs of its members and the manner in which the system program is related to appropriate regional programs in higher education.

e. The commissioner shall by regulation establish the standard of service to be met by such a reference and research library resources system.

f. Each reference and research library resources system receiving state aid pursuant to this section and section two hundred seventy-three of this article shall furnish such information regarding its library service as the commissioner may from time to time require to discharge his duties under such sections. The commissioner may at any time revoke his approval of a plan of library service if he finds that the library system operating under such plan no longer conforms to the provisions of this section or the regulations promulgated by the commissioner hereunder. In such case a library system shall not thereafter be entitled to state aid pursuant to this section and section two hundred seventy-three of this article unless and until its plan of library service is again approved by the commissioner.

g. In promulgating regulations and approving, rejecting or revoking plans of library service pursuant to this section, consideration shall be given to:

(1) The prevention of unreasonable discrimination among the persons served by such library system;

(2) The need for regional resources of sufficient size and varied in kind and subject matter;

(3) The need for adequate books, materials (print and nonprint) and facilities for research and information;

(4) The need for outlets convenient in time and place for the sharing of library materials;

(5) The need for the economic and efficient utilization of public funds;

(6) The need for full utilization of local responsibility, initiative and support of library service and the use of state aid in their stimulation but not as their substitute.

§273. APPORTIONMENT OF STATE AID.

1. Any public library system providing service under an approved plan during a calendar year shall be entitled to receive annually state aid consisting of the following amounts:

a. An annual grant of:

(1) Ten thousand dollars where the library system serves less than one county, or

(2) Twenty thousand dollars where the library system serves one entire county, or

(3) Where the library system serves more than one county the system shall be entitled to receive twenty-five thousand dollars for each entire county served and/or ten thousand dollars for each county, any part of which is served by the library system. If an entire county is served by two or more library systems, each of which serves a part thereof, each of such library systems shall be entitled to receive a grant of ten thousand dollars and in addition, a pro rata share of an additional sum of ten thousand dollars, such share to be computed in accordance with the ratio which the population of the area of the county served by such library system bears to the total population of the county, as determined under subdivision two of section two hundred seventy-two of this chapter.

b. In a library system which submits a plan for further development of its central library, which plan shall be approved by the commissioner in relation to standards for such central libraries, the amount of central library development aid shall be:

✓ (1) thirteen cents per capita of the population within the chartered area of service of such library system with a minimum amount of thirty thousand dollars, and

✓ (2) an additional forty-five thousand dollars to the library system for the purchase of books and materials including nonprint materials, as defined in regulations of the commissioner of education, for its central library. Such additional aid shall be payable on order and warrant of the comptroller on vouchers certified or approved by the commissioner in the manner provided by law. Ownership of library materials and equipment purchased with such central library aid provided by this paragraph b shall be vested in the public library system.

✓ c. The sum of fifty-four cents per capita of population of the area served.

✓ d. An amount equal to the amount by which expenditures by the library system for books, periodicals, binding and nonprint materials during the preceding calendar year exceeds forty cents per capita of population of the area served but the total apportionment pursuant to this paragraph d shall not exceed forty-four cents per capita of population served.

✓ e. The sum of nineteen dollars per square mile of area served by the library system in the case of library systems serving one county or less. Such sum of nineteen dollars shall be increased by five dollars for each additional entire county served, provided, however, that no apportionment pursuant to this paragraph e shall exceed thirty-nine dollars per square mile of area served. If an entire county is served by two or more library systems, each of which serves a part thereof, each of such library systems shall be entitled to receive, in addition to the aid computed in accordance with the foregoing provisions of this paragraph, a pro rata share of an increase of five dollars to be computed as follows: the sum resulting from the computation of five dollars per square mile of area served by the one of such library systems which would receive the largest amount of aid pursuant to this paragraph shall be pro rated among the library systems serving such county in accordance with the ratio which the population of the area served by each of such library systems bears to the population of the county as determined under subdivision two of section two hundred seventy-two of this chapter.

f. (1) Local sponsor incentive aid shall be paid annually as follows: the amount of fifty cents for every eleven dollars contributed by local sponsors to the approved public library systems and to registered public, and free associations which are members of a public library system and which conform to regulations adopted by the commissioner, except that no library system shall receive a sum which is more than forty percent greater than the sum received in local sponsor incentive aid in nineteen hundred seventy-seven and further provided that the aid shall be disbursed according to a plan agreed upon by the public library system board of trustees and the boards of trustees of a majority of the member libraries which shall provide that:

(i) at least forty percent of the total amount paid to any public library system under this provision shall be used by the system for systemwide services.

(ii) at least forty percent of the total amount paid to any public library system under this provision shall be distributed to its member public and free association libraries.

(2) A "local sponsor" shall mean any municipality, district or school district, as defined in the general municipal law, or any combination thereof.

(3) The local sponsor contribution shall be that amount other than funds allocated for capital expenditure or debt service received in any calendar year by a public library system or a public or free association library from such sponsor.

(4) Of the annual amount payable under this paragraph, fifty percent shall be paid on July fifteenth and fifty percent on November fifteenth in each year.

g. In addition to the sums provided in paragraphs a, b, c, d, e and f of this subdivision, the New York Public Library shall receive an amount equal to its actual expenditures for books, periodicals and binding for its research libraries which expenditures are not otherwise reimbursed or five hundred twenty-five thousand dollars whichever is less, and the additional sum of three million four hundred fifty thousand dollars for the general support of such research libraries.

2. Within the amounts appropriated therefor moneys paid out pursuant to this section shall be paid out of the state treasury on vouchers certified by the commissioner after audit by and upon the warrant of the comptroller.

3. The commissioner may waive the requirement that a system serve an entire county to earn the maximum annual grant under subparagraphs two and three of paragraph a of subdivision one of this section and paragraphs c, d and e of subdivision one of this section where he deems reasonable effort has been made by the system to encourage membership by all libraries in the county.

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4. Reference and research library resources system. a. Any reference and research library resources system providing service under an approved plan during a calendar year shall be entitled to receive annual state aid consisting of an annual grant of one hundred twenty thousand dollars per system.

b. The amount of aid payable by this paragraph shall be paid on July first of each year.

§2503. POWERS AND DUTIES OF BOARD OF EDUCATION. Subject to the provisions of this chapter, the board of education:

1. ...

2. ...

3. ...

4. a. ...

b. May maintain public libraries pursuant to section two hundred fifty-five of this chapter, or may contract with any public library or any free association library registered by the regents pursuant to section two hundred fifty-six thereof, provided, however, that no vote of the electors of the city school district shall be required for such maintenance or contract; may organize and maintain public lecture courses; and shall establish and equip such playgrounds, recreation centers and social centers as the board from time to time shall deem proper.

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§17. PILOT PROJECTS FOR REGIONAL NETWORKS FOR INTERSYSTEM COOPERATION.

1. The commissioner of education is authorized to study methods to achieve greater cooperation and organizational linkage among the present providers of library services, and to conduct pilot projects. Such pilot projects may be of two types: (a) regional intersystem cooperative networks and (b) school library systems.

2. Regional intersystem cooperative network pilot project regions shall be coterminous with existing reference and research library resources system regions. There shall be two such pilot projects, each to include approved public library systems, a reference and research

library resources system, and one or more school library systems which may include non-public school libraries as defined in regulations of the commissioner. Each such pilot project shall be developed by a council of seven persons appointed by the commissioner from recommendations submitted by the participating systems, such council to include three representatives of the member public library systems, two representatives of the reference and research library system, and two representatives of member school library systems. No more than six hundred thousand dollars shall be available for the operation of such pilot projects in any twelve months. The commissioner shall determine the amount to be allocated to each of the two pilot projects, based upon the characteristics of the projects awarded grants in accordance with subdivision four of this section, but in no event shall the amount allocated to a project be less than two hundred thousand dollars. Among other factors, such allocations shall be based on a consideration of the proportion of the population of each pilot project region to the combined population of the two regions. Of the total amount allocated for each such pilot project up to fifty thousand dollars may be available for the operation of each school library system or systems participating in the regional intersystem cooperative network pilot project.

3. School library system pilot projects to prepare for participation in regional intersystem networks shall be based upon boards of cooperative education services or school districts serving in whole or in part a city with a population of one hundred twenty-five thousand or more, or combinations thereof and the system may include non-public school libraries as defined in regulations of the commissioner. There shall be four such school library system pilot projects, each in an existing reference and research library resources system region of the state in which a regional intersystem cooperative network pilot project has not been established. No more than fifty thousand dollars shall be available for the operation of each of the four projects in any twelve months.

4. Pilot projects established in subdivisions two and three of this section shall be designed to operate for thirty-six months, shall be awarded competitively by the commissioner, and shall be implemented under regulations developed by the commissioner. Such regulations shall include but not be limited to eligibility criteria, standards of service and operation, standards for compatibility for computerized systems and other techniques, consideration of the needs of special populations, requirements for monitoring, evaluation, and governance, and provisions which ensure that approval, rejection, or revocation of pilot project grants shall be administered without discrimination. Such regulations shall also specify that the pilot projects

shall be chosen to (a) ensure optimum evaluation of the potentials for regional intersystem cooperation and for cooperation among school libraries, and (b) to realistically evaluate what problems must be overcome and what fiscal resources would be needed to create intersystem cooperation within typical regions in the state and among school libraries. The commissioner shall make reports of his activities and accomplishments in pilot projects under this act on or before October first of each year commencing with nineteen hundred seventy-nine, and shall make his final report within sixty days of thirty-six months of operation. In making these reports, the commissioner shall also make recommendations as to any legislation he deems necessary in connection with his findings.

RULES OF THE BOARD OF REGENTS

PART 11

LIBRARY EXTENSION

Section 11.1 APPROVED LIBRARY REQUIREMENTS. The commissioner shall establish regulations for the registration of libraries and auxiliary units, for personnel, for quarters and equipment, for collections, for schedules of service and reports.

11.2 APPORTIONMENTS TO FREE LIBRARIES. (a) A registered library unit shall be subject to visitation and inspection by the department, and so long as it maintains approved standards shall be entitled to the rights and privileges provided by the Education Law.

(b) Library units set up to provide for circulation of materials, and registered by the Regents, may receive annually, so far as the available appropriation permits, apportionments equal to the money raised by them from other sources. One first apportionment may be made to a newly incorporated library before it has been registered.

11.3 USE OF MONEY. (a) The apportionments and the local equivalent must be spent for approved books, serials and other appropriate library materials, unless otherwise used by special written permission of the commissioner.

(b) A trustee of a free association, public library or Indian library incorporated or registered by the Regents shall not take pay from such library for services rendered as an officer or employee thereof.

11.4 ANNUAL REPORTS OF LIBRARIES. Every library in the University, other than a school library, shall transmit to the department annually, on February 1, a report for the previous year ending December 31 in such form as shall be prescribed by the commissioner; but a library may report for a year ending on some other date with the approval of the commissioner. Any library in the University whose annual report for the preceding year is not received within 60 days after the expiration of such year shall not participate in any apportionments of library money for the ensuing State fiscal year unless such neglect is duly excused by the commissioner. Any library failing to report for two consecutive years shall be deemed to have discontinued its functions, and after due notice its registration may be rescinded, or its charter suspended.

11.5 LIBRARY COUNCIL. It shall be the duty of the library council to communicate annually to the Regents recommendations relating to the department's service.

11.6 EXAMINATION COMMITTEE. The commissioner, with the approval of the Regents, shall appoint a committee to prepare question papers for the examination of applicants for public librarians' certificates and to pass upon the examination papers and credentials submitted. The committee shall consist of seven persons and a secretary, who shall be a member of the department, but such secretary shall not be a voting member of the committee. One member shall be appointed upon nomination

by the president of the Civil Service Commission, such latter appointee to serve during the pleasure of the president of the Civil Service Commission. The term of members appointed hereafter shall be five years beginning with the first day of March next following the ending of the term to which each, respectively, is to succeed, except that the members appointed to fill the vacancies created by the increase of the number of members of the committee from five to seven shall be appointed for one and two years, respectively, the length of such terms to be designated by the commissioner at the time of appointment, and except that an appointment to fill a vacancy created otherwise than by the expiration of a term shall be for the unexpired term. The members of the committee shall receive from the State their necessary expenses incurred in attending committee meetings, and the members of the committee other than the secretary and other State representatives shall receive a per diem stipend.

REGULATIONS OF THE COMMISSIONER

SUBCHAPTER D

Libraries

PART 90

PUBLIC AND FREE ASSOCIATION LIBRARIES

Section 90.1 REGISTRATION OF LIBRARIES. The Division of Library Development shall determine by inspection and from the reports of public, free association and Indian libraries whether the requirements of the Regents and of the commissioner for registration of libraries are met. If any library is shown to be operating a service that fails to meet such requirements, registration shall be suspended until they are met, or may be rescinded and no State or local grants shall be paid for its support.

90.2 STANDARDS FOR REGISTRATION OF PUBLIC, FREE ASSOCIATION AND INDIAN LIBRARIES. A public, free association or Indian library will be registered if it meets standards satisfactory to the commissioner in regard to:

(a) Book collection
(b) Income
(c) Librarians and minimum hours. The library, in charge of a competent staff, must be opened at fixed times as follows:

Population	*Minimum Weekly Standard Hours*
Below 500	6
500- 2,499	12
2,500- 4,999	18
5,000-24,999	30
25,000-99,999	45
100,000 plus	60

(d) Financial report
(e) Library records
(f) Classification and arrangement
(g) Building and equipment

90.3 APPROVAL OF PUBLIC LIBRARY SYSTEMS. As used in this part, a public library system means: a library established by one or more counties, a group of libraries serving an area including one or more counties in whole or in part, a library of a city containing one or more counties, or a cooperative library system established pursuant to the provisions of section 255 of the Education Law. A public library system may be approved for State aid under sections 272 and 273 of the Education Law if it complies with the provisions of the aforementioned sections of the Education Law and if it meets the following regulations of the commissioner:

(a) Full approval shall not be given to a public library system unless it will serve at least 200,000 people or 4,000 square miles of area. Provisional approval may be given to a public library system which will serve at least 50,000 persons provided the area includes three or more political subdivisions and provided further that a satisfactory plan is submitted for expansion of service during the ensuing five-year period.

(b) (1) In order to qualify for full approval, a plan submitted by a public library system shall provide for the free direct use by all residents of the area served of the total library resources within the system by acceptance by all libraries in the system of a borrower's card issued by the system or by any library in the system, to be honored on the same basis as that specified for cardholders in each individual library. No such resident shall be excluded from free direct use because of age.

(2) Subject to the approval of the commissioner, and under the following conditions, the plan of service of a public library system may be amended to modify unrestricted free direct use as defined in paragraph (1) of this subdivision.

(i) Registered member libraries shall not be required to provide free direct access to their materials and services to residents of a jurisdiction of 10,000 population or more which has not exercised the authority contained in section 255 of the Education Law, or other pertinent legislative act, to establish and maintain a public library, or which is not contracting for public library service in accordance with section 256 of the Education Law.

(ii) Loan of specific materials to persons living outside the chartered service area of a member library may be restricted if, in the judgment of the commissioner, failure to do so would result in serious inequities and hardships to resident borrowers of member libraries. Restrictions upon the loan of specific materials shall be limited to nonprint materials and equipment, and printed materials less than one year old, including fiction and nonfiction books and periodicals. Such materials must have been purchased from local funds. When attendance at local library programs must be limited, local residents may be given first access to them.

(iii) Procedures for dealing with delinquent borrowers, including restrictions upon their borrowing privileges, may be stipulated.

(3) Provisional approval may be granted provided that each member library of the system shall have the right to borrow for one or more of its cardholders from any other member library of the public library system any book or other material on the same basis as that provided by the lending member library applicable to its resident cardholder.

(4) The provisional approval of a public library system may be extended by the commissioner for a period of not more than three years after the expiration of the original five-year period upon satisfactory proof that immediate full compliance with paragraph (1) of this subdivision would result in specific extreme hardship to such system or its participating libraries and upon the condition that such public library system submit to the commissioner, prior to such extension, a satisfactory plan for compliance with paragraph (1) hereof within the period of such extension. As a further condition of such extension, the commissioner may require a demonstration by the public library system of free access to a portion of

the population served by such system. Each such library system shall annually submit a report of progress toward full compliance with paragraph (1).

(c) Each system shall submit a plan which shall include a description of the means by which the various economic, cultural, civic and age groups will be assisted by qualified personnel in deriving maximum benefit from library resources.

(d) Each system shall certify that there will be employed within the library system at least one full-time staff member (or the equivalent) for each 5,000 residents of the area served by the system, exclusive of janitorial, cleaning, and maintenance workers. There shall also be employed by each approved system of libraries a director who holds or is eligible to receive a public librarian's professional certificate and who has eight or more full years of professional library experience in libraries or systems of libraries of recognized standing satisfactory to the commissioner, at least two years of which shall have been in an administrative capacity. In addition to such director, each approved system shall employ at least three full-time (or the equivalent) certified public librarians who shall be engaged solely in services which are administered by the system, exclusive of librarians employed in technical processing or in Federally funded positions.

(e) (1) For full approval, each system shall add annually at least 4,000 titles not previously held by the system.

(2) For provisional approval each system shall add annually at least 2,000 titles not previously held by the system.

(f) Each system shall provide a means of location of materials added in the libraries of the system.

(g) (1) Each system shall prepare annually a budget (statement of receipts and appropriations) on forms prescribed by the Commissioner of Education, and file such budget with the department within 60 days after the beginning of the calendar year.

(2) Whenever the apportionment of State aid to any system shall be increased, the system shall file with the department an amended budget showing how such increase will be used for the improvement of library services.

(h) The plan of service of each public library system shall be revised periodically on a schedule to be determined by the commissioner.

(i) The plan of each public library system shall provide for coordination of the reference and interlibrary loan programs and functions of the public library system with the approved plan of the reference and research library systems of which it is a member. Each proposed revision of such plan shall be accompanied by a statement that the proposed revision has been transmitted to the board of trustees of the reference and research library system of which the public library system is a member, prior to its submission to the commissioner.

90.4 STANDARDS FOR CENTRAL LIBRARIES. Each public library system applying for State aid pursuant to the provisions of paragraph b of subdivision 1 of section 273 of the Education Law shall have a plan for the further development of its central library approved by the commissioner. Such plan shall comply with the following:

(a) For purposes of eligibility for State aid, pursuant to the provisions of subparagraph (1) of paragraph b of subdivision 1 of section 273 of

the Education Law, the central library shall be the library so designated in the plan of organization and service of each public library system. If two co-central libraries are specified in the plan, the library with the greatest number of adult nonfiction volumes shall be deemed to be the central library. A public library system shall be eligible to receive such grants prior to January 1, 1975 if its central library meets the following criteria:

(1) The local expenditure for the support of the central library, from other than State and Federal funds, is not less than two dollars per capita, excluding capital expenditures, based upon the population of the central library's service area. When the entire public support of the central library is derived from the entire system service area, the per capita expenditure of the entire system service area will be used in determining this grant. If the public library system receives support from other than State or Federal funds, the ratio between local and total income may be used to determine the percentage of system grants to central libraries which may be counted as local funds. System grants to the central library deriving entirely from other than State or Federal funds may be counted in their entirety. After January 1, 1975, the local expenditure for the support of the central library required to qualify for this grant shall be three dollars per capita, excluding capital expenditures, for the preceding calendar year.

(2) The central library shall provide an annual average of not less than 55 hours per week of service to the public, and not less than the number of hours in each week required under section 90.2 of this Part.

(3) There shall be provision in the central library for at least two full-time professional positions, financed from other than Federal funds, excluding budgeted positions vacant for more than 24 months.

(b) In such years as are designated in a schedule to be established by the commissioner, the board of trustees of the public library system shall file with the commissioner a 10-year plan of central library development, prepared by the board of trustees of the central library, after consultation with the board of trustees of the library system, which meets systemwide needs. Such plan shall be based upon recognized standards of library service, and shall state, among other things:

(1) The optimum size of the library's collection needed to meet systemwide needs.

(2) Other special collections and information resources within the system service area to which the public has access by courtesy or by contract.

(3) The number of professional and nonprofessional staff needed to provide service to readers.

(4) The amount of space and number of reader seats needed to provide this service.

(5) A statement by the board of trustees of the public library system on the adequacy of the proposed central library development plan to meet systemwide needs is required to be filed with the plan.

(c) The board of trustees of each public library system applying for State aid, pursuant to the provisions of subparagraph (1) of paragraph b of subdivision 1 of section 273 of the Education Law, shall annually submit to the Division of Library Development, as a condition to receiving further aid under this program, a report, prepared by the board of trustees of the central library, on steps taken to achieve the objectives of this plan.

(d) Each public library system applying for State aid pursuant to the provisions of subparagraph (2) of paragraph b of subdivision 1 of section 273 of the Education Law shall submit to the commissioner an acquisition plan. Such plan shall comply with the following:

(1) Library materials to be acquired with this aid shall be located in the central library as designated in the plan of organization and service of the system. If two co-central libraries are designated in such plan, the system shall indicate the proportion of aid to be assigned to each. If, after approval of this acquisition plan, the system shall determine to change the location of materials acquired under this program, the system shall secure the commissioner's approval of the amendment of its plan of organization and service and shall amend its statement under this paragraph.

(2) The central library collection of adult nonfiction shall be physically assembled so as to provide maximum use of the collection by residents of the area served by the system.

(3) If the system provides that the central library collection is to be housed in two co-central libraries, the system shall:

(i) show that such separation of the central collection will not weaken the scope of the collection or the quality of the reference and informational service available to readers through such collection, and

(ii) provide that there shall be a unified means of location of the total adult nonfiction holdings of the two libraries in which the central library collection is housed.

(4) The central library or co-central libraries of the system shall provide information service and bibliographical assistance to residents of the system service area.

(5) The material acquired under such plan by the system shall be adult nonfiction or foreign language materials, in print-form or microform.

(e) The system shall annually certify to the Division of Library Development that the amount of State aid received pursuant to the provisions of subparagraph (2) of paragraph b of subdivision 1 of section 273 of the Education Law in the preceding calendar year was expended for library materials located in the central or co-central libraries. Such statement shall be endorsed by the board of trustees of the library or libraries receiving the material.

90.5 REFERENCE AND RESEARCH LIBRARY SYSTEMS. (a) A reference and research library system means a duly chartered educational institution resulting from the association of a group of library systems, institutions of higher education, libraries, and other nonprofit educational institutions, organized to improve reference and research library service. Such institutions may be registered upon meeting the standards set forth in sections 90.5 and 90.6.

(b) *Membership in reference and research library systems.* (1) The membership shall include at least four chartered degree-granting institutions of higher education of the four-year level, whose libraries meet the standards outlined in the latest edition of the department publication, *Guidelines for Quality in College Libraries*, and

(2) The membership shall include either,

(i) at least one chartered degree-granting institution of higher education offering graduate programs for the master's degree, whose library holds not less than 175,000 volumes and currently receives not less than 1,500 periodical titles, *or*

(ii) a public library which holds not less than 400,000 adult volumes and currently receives not less than 1,500 periodicals, *and*

(3) The membership shall include all approved public library systems which are within the region served by the reference and research library system.

(4) The system may set its own minimum standards for membership, *except that*

(i) any chartered institution of higher education whose library meets the standards outlined in the department publication, *Guidelines for Quality in College Libraries*, shall be eligible for membership, and

(ii) any chartered institution of higher education whose library does not meet the standards outlines in the department publication, *Guidelines for Quality in College Libraries*, may not be eligible for membership unless it submits to the department a five-year plan for the realization of the standards, the plan bearing the signed approval of the head librarian, the president, and the academic dean of the institution.

(5) The member institutions of each system shall be broadly representative of the chartered educational agencies and nonprofit organizations providing library service to adults within the defined area of service of the system.

(c) *System boundaries.* (1) The defined area of service of a system shall include not less than 750,000 persons, as based upon the latest approved Federal census, or not less than 10,000 square miles.

(2) The defined area of service of a system shall not cut apart the area of service of an existing public library system.

(3) The defined area of service shall be judged by the commissioner to be a logical service area in relationship to the availability of information resources and services and in relationship to the area of service of other reference and research library systems.

(4) The defined area of service shall include more than one county.

(d) *Trustees.* (1) After April 1, 1974, the board of trustees shall include at least one representative of each constituent public library system, at least one representative of the member academic library with the largest collection, and at least two lay persons from the research community served by the system.

(2) The board of trustees shall meet no fewer than six times a year.

(3) No trustee shall hold office consecutively for more than two full terms.

(4) Before entering upon his duties, the treasurer of the system's board of trustees shall execute and file with the trustees an official undertaking in such sum and with such sureties as the board shall direct and approve.

(e) *Reports.* The system shall submit an annual report to the department in a form to be prescribed by the department.

(f) *Plan of service.* (1) Within two years of the initial registration, the system shall submit a plan of service to the commissioner for approval, in a form to be prescribed by the commissioner, to cover resources and needs, proposed program, budget, contractual agreements, and any other information which the commissioner may require.

(2) The above plan of service must show how the system will improve and enlarge the library resources and services presently available in the area to the research community, including improved reader access.

(3) The plan of service shall be revised periodically on a schedule to be determined by the commissioner.

(4) All member institutions of higher education included in the plan of service shall meet the minimum standards outlined in *Guidelines for Quality in College Libraries* except those institutions which have filed with the commissioner a five-year plan for the realization of the standards.

(5) After January 1, 1976, local operating support exclusive of Federal funding of each of the member institutions for library personnel and library materials shall be at least equal to the average of such support in the two years 1974 and 1975.

(6) A chartered public library, whether or not it is a member of a public library system, may not obtain direct service from the reference and research library resources system, without first making full use of the public library system approved to serve the region in which it is located, thereby insuring full utilization of regional resources as well as regional clearance.

(7) Each reference and research library resources system shall certify that there will be employed within the system a full-time director or executive director who is a trained professional librarian and who has had at least five years experience in an administrative capacity in a college or university library, or its equivalent as determined by the Commissioner of Education. Failure to comply with this requirement may result in disapproval of a system's plan of service, and may also result in a reduction of State aid.

(8) The plan of service shall indicate the manner in which the reference and research library system strengthens college and university library service and the manner in which the system program is related to appropriate regional programs in higher education.

(9) The plan of each reference and research library system shall provide, wherever feasible, for coordination and utilization of the reference and interlibrary loan programs and functions of the member public library systems. Each proposed revision of such plan shall be accompanied by a statement that the proposed revision has been transmitted to the boards of trustees of the member public library system prior to its submission to the commissioner.

(10) Any contract which the system enters into relating to library service programs shall constitute a part of the plan of service and shall be submitted to the commissioner for his approval before becoming effective.

90.6 FINANCIAL ACCOUNTING IN COOPERATIVE LIBRARY SYSTEMS AND REFERENCE AND RESEARCH LIBRARY SYSTEMS. The following accounting procedures shall be employed by cooperative library systems and reference and research library systems.

(a) The fiscal year of each library system shall begin with the first day of January and end with the 31st day of December, or at the option of the library system, shall begin with the first day of July and end with the 30th day of June.

(b) No trustee, officer or employee of the system shall be interested directly or indirectly in any claim against or contract with the system for lawful compensation and expenses. However, a trustee who is not the treasurer may be a stockholder, officer or director of a bank designated as depository for the system.

(c) The board of trustees of every library system shall:

(1) Appoint two separate accounting officers: a financial clerk and a treasurer who shall hold office at the pleasure of the board. The secretary of the library system board or the library system director may be appointed the financial clerk. In the event that either of these officers becomes temporarily incapacitated, the board may appoint one of its members to serve temporarily in either of these positions.

(2) Provide satisfactory minute book for recording the minutes of the meetings of the board of trustees and the proceedings of the annual meeting of the participating libraries. In this minute book the secretary shall record the action of the board on all bills approved for payment or shall refer to a schedule of such bills by date, schedule number and amount approved. This schedule shall be filed as a public record.

(3) Provide the financial clerk with a distribution ledger in which he shall record itemized receipts and itemized payments, which shall be classified in each case as is required for the annual financial report.

(4) Provide the treasurer with a cashbook in which he shall enter an itemized record of all receipts and payments.

(5) Adopt a prenumbered receipt form printed in triplicate, and require the treasurer to acknowledge the receipt of any library funds paid over to his custody by issuing his receipt as follows: a copy to the payer, a copy to the financial clerk and a copy to be retained by the treasurer.

(6) Adopt a prenumbered voucher-check and require the use of this form in paying all system obligations except as otherwise provided in paragraph (18). This form must provide for the signature of the treasurer and may provide for as many additional signatures as the board may require.

(7) Adopt at least 30 days prior to the start of the ensuing fiscal year an estimate of receipts and appropriations (annual budget) on forms prescribed by the Commissioner of Education, and file such budget with the department within 60 days thereafter.

(8) Amend the budget at any time during the fiscal year and provide for appropriations from any additional revenues received.

(9) Keep the incurred obligations in each fiscal year within the amounts authorized by the budget and amendments thereto.

(10) Settle all accounts of the library system on or before the last day of the fiscal year.

(11) Disburse library funds only on the basis of itemized vouchers which have been certified by the claimants or the purchasing agent and audited and approved by the board of trustees except as otherwise provided in paragraph (18). However, the board of trustees may by resolution determine that vouchers may be audited and approved by a committee comprised of at least three board members or by an individual designated by the board as auditor. Any individual so designated may not hold the office of financial clerk or treasurer and shall be bonded with such penalty and sureties as the board may require.

(12) Provide by resolution that amounts due upon contracts, for fixed salaries or for compensation of employees regularly engaged at agreed periodic rates, may be paid without prior audit upon submission to the treasurer of a voucher or payroll duly certified by the library system director or his duly authorized representative.

(13) Establish rules and regulations governing the reimbursement of trustees, officers and employees of the system and its member libraries for actual and necessary expenses incurred in the performance of official duties assigned by the trustees of the library system or in attending meetings designated by the library system board of trustees. In lieu of actual and necessary travel expenses, the trustees may establish a mileage rate for the use of personally owned automobiles.

(14) Require the treasurer to render monthly reports, showing the following information for the guidance of the board: balance on hand at the beginning of the month; itemized list of receipts during the month; total

withdrawals made from the bank account during the month; balance on hand at the end of the month and reconciliation with the bank statement.

(15) Require a monthly report from the financial clerk showing amounts of receipts by source and expenditures by budget category for the months and year to date.

(16) Cause an annual audit of the treasurer's records to be made either by a committee of the board or by an independent auditor.

(17) Provide adequate filing equipment for the preservation and systematic arrangement of all paid and unpaid bills, cancelled checks, bank statements, debit charge slips, contracts and other financial records.

(18) At its discretion, establish a petty cash fund for the purpose of making payment in advance of authorization of properly itemized bills for materials, supplies or services furnished to the library system calling for immediate payment on delivery.

(i) Whenever a petty cash fund is established the board shall designate the director or the financial clerk of the system to administer and be responsible for such fund. No such fund shall exceed $50 at any one time.

(ii) The person in charge of such petty cash fund shall keep such records as may be necessary for the accurate accounting of all transactions and shall make reports to the board of trustees as required by such board.

(iii) From time to time checks may be drawn to the person designated to administer the petty cash fund in an amount which shall not exceed payments made in cash as indicated by receipts, receipted bills or other evidence of payment in form available to audit.

(iv) The petty cash fund shall be completely closed out at the end of each year and the general fund reimbursed by the original amount transferred to the petty cash fund.

(19) The treasurer shall deposit all moneys within five days after receipt in a depository designated by the trustees. The trustees may authorize the treasurer to deposit or invest moneys not required for immediate disbursement in special time deposit accounts or certificates of deposit issued by a bank or trust company located and authorized to do business in this State, provided that such account or certificate of deposit shall be payable within the time the moneys shall be needed,

and provided further that such account or certificate of deposit shall be secured by a pledge of obligations of the United States of America or obligations of the State of New York. Investments may also be made in obligations of the United States of America or of the State of New York, registered or inscribed, when possible, in the name of the system and payable or redeemable at the option of the system within such time as the proceeds shall be needed, but in any event not later than the end of the fiscal year. Such obligations shall be purchased through, delivered to and held in the custody of a bank or banker designated by the trustees for the deposit of system moneys.

(d) The trustees of each library system shall file with the State Education Department, on forms provided by it, a financial report of the preceding fiscal year within 60 days of the close of such fiscal year.

✓ 90.7 CERTIFICATES FOR LIBRARIANS IN REGISTERED PUBLIC, FREE ASSOCIATION AND INDIAN LIBRARIES.

(a) *Professional certificates.* Public librarian's professional certificates shall be granted to those who pay the statutory fee of five dollars and

(1) have submitted evidence that they hold a graduate library degree from a library school located within New York State which is registered by the State Education Department, or from a library school which is accredited by the American Library Association; or

(2) have furnished satisfactory evidence by documents, or by interview with the public librarian's certification committee, as the committee may direct, that they

(i) have completed four full years of study in an approved college or university culminating in a bachelor's degree or its equivalent as determined by the commissioner; and

(ii) have completed one full year's education in an approved library school culminating in an appropriate degree or credential, or equivalent education; and

(iii) are or have been for a period of at least three years, not including time spent in the position for which they are seeking certification, in the practice of professional librarianship in a position or positions which, in the judgment of the committee, involve the supervision of library personnel or considerable administrative responsibility requiring independent judgment and decision at the highest level or a high degree of specialization and professional expertise; or

(3) hold a public librarian's provisional certificate in full force and effect in New York State on January 1, 1977, or, on January 1, 1977, are employed under excuse of default, granted by the commissioner to a library board employing the candidate as a librarian not properly certified; and

(i) within six years of the date of issue of such provisional certificate or granting of such excuse of default, have submitted evidence that they possess educational qualifications meeting the requirements of subparagraphs (i) and (ii) of paragraph (2) of this subdivision; and

(ii) if the requirements of paragraph (1) of subdivision (a) of this section are not met, have passed the required examination covering basic professional library knowledge and practical application of professional principles prior to December 31, 1982.

(b) *Exchange of certificates.* Holders of the (1) librarian's graduate library school life certificate, and (2) librarian's professional life certificate shall receive the public librarian's professional certificate upon application.

90.8 APPOINTMENT OF LIBRARY PERSONNEL. (a) Each registered public, free association or Indian library shall appoint library personnel on or after May 19, 1975, in accordance with the following provisions:

(1) A library which is a member of a public library system and serves a population of 2,500 to 4,999 shall employ as director a person who has completed not less than two academic years of full-time study in an approved college or university, or the equivalent as determined by the commissioner.

(2) A library which is a member of a public library system and serves a population of 5,000 to 7,499 shall employ as director a person who holds a bachelor's degree granted by an approved college or university upon the completion of four academic years of full-time study, or its equivalent as determined by the commissioner.

(3) A library which is a member of a public library system and serves a population of 7,500 or more shall employ as director and in all other professional librarian positions only persons who hold the public librarian's professional or provisional certificate or a certificate of qualification.

(4) A library which is not a member of a public library system and serves a population of 2,500 to 4,999 shall employ as director a person who holds a bachelor's degree granted by an approved college or university upon completion of four academic years of full-time study, or its equivalent as determined by the commissioner.

(5) A library which is not a member of a public library system and serves a population of 5,000 or more shall employ as director and in all other professional librarian positions only persons who hold the public librarian's professional or provisional certificate or a certificate of qualification.

(b) If a registered public, free association or Indian library which employs at least the equivalent of 25 full-time persons who hold the public librarian's professional or provisional certificate or a certificate of qualification shall find it impossible to appoint a holder of such certificate for a professional librarian position other than director, requiring unusual background or education in a specialized subject field, the library board may submit to the commissioner a statement of the facts involved and request the position be exempt from the provisions of subdivision (a) of this section. The commissioner, in his discretion, may grant an exemption for such appointment.

(c) Failure by the trustees of any registered library to meet these requirements or observe these regulations shall be deemed a valid reasons for the rescinding or suspension of registration.

(d) To provide for uniformity and greater mobility from one position to a similar position in another system, the Library Extension Division shall, from time to time, set up uniform titles and requirements for comparable library positions.

(e) The commissioner may in his discretion excuse the default of a library board in employing a staff member not meeting the requirements of paragraphs (1), (2), (3), (4), and (5) of subdivision (a) of this section and legalize the time so served.

90.9 EXAMINATION FOR PUBLIC LIBRARIAN'S PROFESSIONAL CERTIFICATION

(a) *General requirements.* (1) *Application.* An application to an examination for a public librarian's professional certificate shall be filed with the department. If the department finds that the application is complete and that all requirements for the specific examination have been met, it shall issue to the applicant an admission card which shall advise him of the time, date and place of the examination and shall admit him thereto. At the conclusion of the examination he shall return the admission card to the department representative conducting the examination.

(2) *Conduct of examinations.* Examinations for public librarian's professional certificates shall be conducted in accordance with the following rules and any candidate violating such rules may be dismissed from the examination room by the department representative or otherwise disciplined.

(i) No candidate shall enter the examination more than 45 minutes after the question papers have been distributed nor shall any candidate leave the examination until 45 minutes have elapsed.

(ii) During the examination no candidate shall communicate with any other candidate in any way except upon the express permission of the department representative.

(iii) A candidate shall not bring books or help of any kind into the examination room unless directed to do so by the department because of the character of the examination.

(iv) After handing in his last paper in any examination each candidate shall make and subscribe to an affidavit to the effect that he has violated none of the rules.

(3) *Rating and report.* Upon the conclusion of each written examination the papers shall be sent to the proper examiner or examiners who shall rate them immediately. Upon the conclusion of the rating he or they shall prepare a duplicate report thereon. For written or practical examinations the examiner or examiners shall file one copy of the report with the secretary of the examination committee and the other copy with the department. The department shall then notify each candidate of his success or failure and advise him, if he has failed, when and on what basis he may be re-examined.

(4) *Passing mark.* The passing mark in all examinations, both written and practical, shall be an average of 75 per cent. However, where the examination is the objective type, the passing mark shall be 75 on a scale of 100. On this scale 100 shall represent the best performance possible. The passing point of 75 need not be an arithmetic percentage but may be set by the examination committee at a predetermined mark which in the judgment of the examination committee meets the minimum requirements for certification.

(b) *Special requirements.* (1) The examination shall be held at least once each year at times and places determined by the commissioner. Applications shall be filed with the department not less than 15 days before the examination. The subjects covered in the examinations and when the examinations may be taken shall be determined by the examination committee.

(2) A candidate who fails the examination shall be eligible for re-examination at any other subsequent examination.

(3) Each application must be verified by oath. It must show in a manner satisfactory to the department that the applicant:

(i) has completed the preliminary education requirements;

(ii) has completed the professional education requirements.

90.10 LOCAL SPONSOR INCENTIVE AID. A public library system may be approved for State aid pursuant to the provisions of paragraph f of subdivision 1 of section 273 of the Education Law, provided that it meets the criteria for eligibility set forth in such paragraph of the Education Law and this section, and submits an application on a form prescribed by the department. For the purpose of determining the entitlement of a public library system and its member public and free association libraries for such aid, the following provisions shall apply:

(a) *Library systems.* (1) A public library system operating under a plan of service which has been approved pursuant to section 272 of the Education Law shall be an eligible applicant for local sponsor incentive aid.

(2) No component library system or member library included in the approved plan of service of a public library system may apply independently for local sponsor incentive aid.

(b) *Public and free association libraries.* To share in local sponsor incentive aid, a library shall have been chartered by the Regents or incorporated under a general or special act of the Legislature, be registered by the department, and be included in the membership of a public library system, as recorded in the system's plan of service which has been approved pursuant to section 272 of the Education Law.

(c) *Disbursement plan.* (1) Each public library system having member libraries shall amend its plan of service, subject to approval by the commissioner, to show how local sponsor incentive aid will be apportioned both for system-wide services and among member public and free association libraries under the terms of clauses (i) and (ii) of subparagraph (1) of paragraph f of subdivision 1 of section 273 of the Education Law. Such amendment of plan shall be accompanied by a statement of agreement to such amendment signed by the president of the public library system board of trustees and the presidents of the boards of trustees of a majority of the member libraries, and shall remain in effect until further amended. Each amended plan of service shall guarantee transfer of that portion of local sponsor incentive aid apportioned to member libraries within 30 days of the receipt of such local sponsor incentive aid at the public library system headquarters.

(2) Each public library system having only branch libraries without separate boards of trustees shall amend its plan of service, subject to approval by the commissioner, to show how local sponsor incentive aid will be used for library services throughout the system.

(d) *Local sponsor support.* The annual reports of a public library system and its member public and free association libraries filed pursuant to section 263 of the Education Law shall be the basis for determining the sum total of local sponsor support for the system headquarters plus its member public and free association libraries. The annual report of a public library system not having member libraries, filed pursuant to section 263 of the Education Law, shall be the sole basis for determining the sum total of local sponsor support for such system.

90.11 SCHOOL LIBRARY SYSTEM PILOT PROJECTS. (a) *Definition.* The term "school library system pilot project" as used in this section means a pilot project selected, funded and evaluated in accordance with Chapter 787 of the Laws of 1978. A school library system pilot project will be a program of:

(1) a BOCES which provides library coordination and/or services to the school libraries of the public and nonpublic schools participating in the BOCES program under a school library system pilot project plan of service approved by the commissioner, or

(2) the city school district of New York City, Buffalo, Rochester, Syracuse or Yonkers, which exercises control over public school libraries meeting the standards of Part 91 of these regulations in its individual schools and which coordinates nonpublic school libraries, under a school library system pilot project plan of service approved by the commissioner.

(b) *Governance.* The board of cooperative educational services or the board of education of the city school district shall be the governing board of the school library system pilot project. Each such board shall appoint a standing advisory council to advise the board on matters of policy affecting the development, improvement and governance of the school library system pilot project.

(c) *Membership.* All public school districts and nonpublic schools located within the BOCES or city school district shall be eligible for membership in the school library system pilot project, provided they meet the following criteria:

(1) Each school district shall assign one certified school librarian to serve as coordinator of services between the school libraries of the district and the school library system pilot project. The other duties of the person selected to be the coordinator shall be limited to provide adequate time to carry out this assignment, including necessary and appropriate meetings.

(2) Each school district and school shall permit the interlibrary loan of books and other library materials to other members of the school library system pilot project, except for materials not loaned within such district or school.

(3) Each school district shall have a plan which provides for:

(i) interlibrary loan among the school libraries within the district, and

(ii) prompt, efficient communication among the school libraries of the district, including convenient access to photoduplication facilities.

(4) Each school district and school shall permit school library system pilot project personnel access to the shelflists of its library or libraries for purposes of creating a school library system pilot project union catalogue or locator file.

(5) A school district shall be eligible to participate in a school library system pilot project if the support of its school library program as reported in the Annual Financial Report (Form ST-3) is not less on a per capita basis in the preceding fiscal year than it was in the second preceding fiscal year. A nonpublic school shall be eligible to participate in a school library system pilot project if it supplies similar data pertaining to expenditures for school library materials documenting that the support of its school library program is not less on a per capita basis in the preceding fiscal year than it was in the second preceding fiscal year. The commissioner may waive this requirement in exceptional circumstances.

(d) *Plan of service.* (1) A BOCES or board of education of a city school district seeking funding as a school library system pilot project shall submit to the commissioner a plan of service in the form prescribed by the commissioner. The plan shall include, but not be limited to, the:

(i) Composition and basis for selection of the standing advisory council, indicating that it is broadly representative of the providers and users of library services by the school library system pilot project,

(ii) means to be established for locating library materials within the school libraries in the school library system pilot project,

(iii) procedures for accepting, verifying and responding to the requests for library materials,

(iv) interlibrary loan and delivery system for sharing library materials,

(v) consultant services the school library system pilot project will make available to the school libraries,

(vi) means by which the school library system pilot project will encourage the participation of school districts and nonpublic schools not yet served,

(vii) means by which the school library system pilot project will assure compatibility in its computerized and other technical operations with those of other library systems of the State,

(viii) identification of special client group needs, and the means for meeting them, and

(ix) means by which the school library system pilot project will assure continuing needs assessment and program development.

(2) No plan of service of a school library system pilot project shall be approved unless there is evidence that the plan was developed collaboratively with the administrators and librarians of the schools in the area to be served and is compatible with the approved plans of service of other library systems in the region as demonstrated by evidence of consultation with public library systems and the reference and research library resources system in the projected regional intersystem cooperative network area.

(3) For approval of its plan of service, each school library system pilot project shall certify that at least one certified school librarian working with the school library system pilot project will be employed.

(4) No plan of service shall be approved unless it provides a method by which the school library system pilot project and participating school libraries are obligated to permit the interlibrary loan of books and materials to members of the school library system pilot project, except for materials not loaned within a participating district or school.

(5) Each school library system pilot project shall prepare annually a budget on forms prescribed by the commissioner, and shall file such budget with the department no later than February 1 of each year.

(e) *Reports.* Each school library system pilot project shall transmit to the department annually, on August 1, a report for the year ending the previous June 30, in such form as shall be prescribed by the commissioner, and such other progress reports as may be required by the commissioner.

(f) *Criteria for selection.* (1) Two types of school library system pilot projects shall be established in accordance with Chapter 787 of the Laws of 1978, and the foregoing provisions of these regulations.

(i) Two or more school library system pilot projects will be selected by the commissioner to participate in regional intersystem cooperative network pilot projects.

(ii) Four other school library system pilot projects will be selected by the commissioner to prepare for participation in regional intersystem cooperative networks, each in a different existing reference and research library resources system region in which a regional intersystem cooperative network pilot project has not been established.

(2) School library system pilot projects participating in a regional intersystem cooperative network pilot project shall submit to the department an application for approval of the school library system pilot project at the same time as the regional intersystem cooperative network pilot project application is submitted.

(3) The school library system pilot projects that are to be funded will be designated by the commissioner after the receipt and review of applications submitted by BOCES and eligible city school districts, in a manner and by a date determined by the commissioner. Each competitive application will be rated according to the applicant's ability to comply with the provisions of Chapter 787 of the Laws of 1978 and with the provisions of this section. The commissioner may be advised in ranking the competitive applications by a panel of impartial raters, appointed by the commissioner, for this purpose. Applications from BOCES and city school districts will be ranked separately. The criteria for rating competitive applications shall include:

(i) ability to comply with the foregoing requirements for approval as a school library system pilot project;

(ii) readiness to initiate pilot project operation;

(iii) number of school districts and nonpublic schools participating in the school library system pilot project, compared to the total number of potentially eligible participants;

(iv) identification of special populations, their special needs and the means for meeting them;

(v) degree of coordination between school library system pilot project planning and regional intersystem cooperative network planning;

(vi) means of locating materials added after September 1, 1978 to the libraries of the school districts and nonpublic schools participating in the school library system pilot project;

(vii) assurance of compatibility of computerized operation among participating approved library systems within the projected regional intersystem cooperative network, with other projected regional intersystem cooperative networks, and with the New York State Library's computer system;

(viii) potential for a school library system pilot project to serve as a model to promote the development of school library systems in the region, or elsewhere in the State.

✓ 90.12 REGIONAL INTERSYSTEM COOPERATIVE NETWORK PILOT PROJECTS. (a) *Definition.* The term "regional intersystem cooperative network pilot project" as used in this section, means a pilot project selected, funded and evaluated in accordance with Chapter 787 of the Laws of 1978. A regional intersystem cooperative network pilot project shall be conducted jointly by an approved reference and research library resources system, all approved public library systems in the region and at least one approved school library system pilot project, to promote intersystem and interlibrary cooperation, and shall operate under a regional intersystem cooperative network pilot project plan of service approved by the commissioner.

✓ The area of each regional intersystem cooperative network pilot project shall be coterminous with a chartered reference and research library resources system. The population of a regional intersystem cooperative network pilot project shall be deemed to be that shown by the latest federal census for the political subdivisions of the reference and research library resources system.

✓ (b) *Governance.* Each proposed regional intersystem cooperative network pilot project shall be developed by an interim coordinating council representing the participating library systems and proposed school library system pilot projects. A regional intersystem cooperative network pilot project selected under the provisions of Chapter 787 of the Laws of 1978 and this section shall be administered by a chartered library system and governed in accordance with a plan of service endorsed by all participating systems and school library system pilot projects, and approved by the commissioner. The coordinating councils of such selected regional intersystem cooperative network pilot projects shall be established in accordance with Chapter 787 of the Laws of 1978, and the terms of office of all members of such coordinating councils shall be the duration of the pilot projects. Any vacancy occurring during the period of the pilot project shall be filled in the same manner as followed in naming the original appointee.

✓ (c) *Membership.* The membership of a regional intersystem cooperative network pilot project shall include the approved reference and research library resources system, all approved public library systems within the region, and one or more approved school library system pilot projects located wholly or partially within the regional intersystem cooperative network area as approved by the commissioner. No approved library system or school library system pilot project may be denied membership in the regional intersystem cooperative network pilot project.

✓ (d) *Plan of service.* (1) The interim coordinating council of each regional intersystem cooperative network pilot project shall submit to the commissioner a network plan of service in the form prescribed by the commissioner. Such plan shall include, but not be limited to, the:

(i) designation of the participating approved library system which will serve as agent of the regional intersystem cooperative network pilot project in the receipt, administration and disbursal of funds;

(ii) coordination in the development of library policies and procedures for the sharing of library information services and resources, including those in special format, throughout the region;

(iii) coordination in the development and utilization of bibliographic tools and computerized bases of information which are compatible within the region and with the New York State Library, in order to facilitate access to regional library resources;

(iv) coordination in the use of technology to improve the delivery of information and library services;

(v) coordination in improving access to resources in library systems and school library system pilot projects by all member libraries;

(vi) coordination in improving the accessibility of library resources and services to the blind and physically handicapped;

(vii) coordination in improving the accessibility of library resources and services to the staff and residents of institutions engaged in the custodial care and habilitation of persons with health and/or behavioral problems;

(viii) provision of equitable compensation of libraries in the regional intersystem cooperative network pilot project which provide a major portion of materials or services under the network plan of service;

(ix) exploration of the feasibility of cooperation across regional boundaries to expand the services offered;

(x) method of establishing interlibrary loan procedures within a region using regional sources prior to submitting requests into the statewide interlibrary loan network;

(xi) relationship of the network plan of service to other specialized library service networks operating within the State.

(2) No network plan of service shall be approved unless it provides for the coordinated utilization of the union catalogues or locator files of the library systems.

(3) No network plan of service shall be approved by the commissioner unless it provides a method by which each participating approved library system, school library system pilot project and member library is obligated to permit the interlibrary loan of books and other library materials to other participating approved library systems, school library system pilot projects and member libraries, except that no library shall be required to lend on interlibrary loan materials it is not required to lend within its own system, or school library system pilot project.

(4) Each regional intersystem cooperative network pilot project shall prepare annually a budget on a form and by a date prescribed by the commissioner.

(e) *Reports.* The coordinating council of each regional intersystem cooperative network pilot project shall be responsible for transmitting to the department annually, on August 1, a report for the previous year ending June 30, in such form as shall be prescribed by the commissioner, and such other progress reports as may be required by the commissioner.

(f) *Criteria for selection.* (1) Two regional intersystem cooperative network pilot projects shall be established in accordance with Chapter 787 of the Laws of 1978, and the foregoing provisions of these regulations.

(2) Each selected regional intersystem cooperative network pilot project shall include at least one school library system pilot project established in accordance with Chapter 787 of the Laws of 1978, and section 90.11 of these regulations.

(3) The regional intersystem cooperative network pilot projects that are to receive funds pursuant to Chapter 787 of the Laws of 1978 will be designated by the commissioner after the receipt and review of applications submitted by interim coordinating councils, in a manner and by a date determined by the commissioner. Each competitive application will be rated according to the criteria set forth in the provisions of Chapter 787 of the Laws of 1978 and the provisions of this section. The commissioner may be advised in ranking the competitive applications by a panel of impartial raters, appointed by the commissioner for this purpose. The criteria for rating competitive applications shall include the:

(i) ability to comply with the foregoing requirements for approval as a regional intersystem cooperative network pilot project;

(ii) readiness to initiate pilot project operation;

(iii) degree of school library system pilot project participation in the regional intersystem cooperative network pilot project;

(iv) identification of special populations, their special needs and the means for meeting them;

(v) assurance of compatibility of computerized operations among participating approved library systems and school library system pilot projects within the regional intersystem cooperative network pilot project with other projected regional intersystem cooperative networks, and with the New York State Library's computer system;

(vi) the potential for a regional intersystem cooperative network pilot project to serve as a model to promote the development of regional intersystem cooperative networks in other regions of the State.

(4) In apportioning available pilot project funds between the two selected regional intersystem cooperative network pilot projects, consideration will be given by the commissioner to factors such as population and area of the regional network, the number of participating library systems, school library system pilot projects and member libraries, the provision of appropriate computerized and other technical programs, the projected scope and format of union catalogues or locator files, the proposals for regional intersystem communications and delivery, and the professional resources and services proposed for sharing among participating approved systems and school library system pilot projects.

90.13 AID TO INDIAN LIBRARIES. An Indian Library or Tribal Government may be approved for State aid pursuant to Section 271 of the Education Law, provided that it meets the criteria for eligibility set forth in Section 253 of Education Law and this section, and submits an application on a form prescribed by the department. For the purpose of determining the entitlement of the library for such aid, the following provisions shall apply:

(a) *Service area.* The service area of an Indian Library or Tribal Government shall be that specified in Section 253 of the Education Law.

(b) *Population base.* The population of the area of service of an Indian Library or Tribal Government, for the purpose of State aid, shall consist of persons residing on the reservation served by the Indian Library or by contract as shown by the latest Federal census or certified by the New York State Director of Indian Services or designee.

(c) *Acreage.* The acreage of the area served by the Indian Library or contract shall be certified by the New York State Director of Indian Services or designee.

OTHER LAWS RELATING TO LIBRARY INCORPORATION, TRUSTEES, BUILDINGS, AND EMPLOYEES

Many other sections of State and Federal law apply directly and indirectly to libraries in addition to the excerpts from Education Law included in this publication. Readers are encouraged to check with their legal counsel and consult *McKinney's Consolidated Laws of New York (Annotated)*, especially the following.

Civil Service Law
County Law
Education Law
General City Law
General Municipal Law
Not-For-Profit Corporation Law
Public Building Law
Public Officers Law
Second Class Cities Law
Town Law
Village Law

Not only do the laws appear in these volumes, but also pertinent decisions based on opinions of the Attorney General and the Office of Counsel of the State Education Department. Historical notes show amendments to the laws and when they were made. Federal laws pertaining to taxes and Social Security should also be consulted.

Selected Bibliography

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